

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING - MONDAY, MARCH 26, 2007

### JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened the meeting at 6:00 PM noting the following Board of Selectmen attending: Cheryl Andrews, Michele Couture, Richard Olson

Excused Absence: David Nicolau, Sarah Peake

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

#### 1A BOARD OF LIBRARY TRUSTEES

Use of Library Gift Fund for Belfry Restoration Construction

***MOTION: Move that the Board of Selectmen vote to award a construction contract to low bidder Campbell Construction of Beverly, MA for the base bid of \$123,000 for the Library's belfry restoration project; and, further, to authorize execution of said contract by the Board upon receipt of all required bonds and insurance; and further, to vote, as Commissioners of the Gift Funds, to approve the use of \$123,000 from the Library Building Gift Fund to fund said contract.***

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

#### 1B AIRPORT COMMISSION

Engineering Contract – Snow Removal Equipment Purchase

***MOTION: Move that the Board of Selectmen vote to execute a contract in the amount of \$125,000 with Edwards and Kelcey, Inc, 343 Congress Street, Boston, MA for engineering services, snow removal equipment purchase, collection of data, contract arrangements, and administration, in connection with improvements to the Provincetown Municipal Airport.***

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

#### 2. PUBLIC STATEMENTS

Pam Parmakian - Suggest that the Board of Selectmen amend Article 5. Several questions on certain sections of Article 8 & 9 and who is policing these articles. How does this strengthen 4170. I urge the board to support Article 8 and not support Article 9.

Molly Purdue – Relative to the discussion that took place last week regarding about the transfer fee and raising the exemption. Having taken a week to do some research I think it makes quite a bit of sense. 70% of our seniors are homeowners and I think that by raising this exemption to \$540K you will be giving them the type of support that I think they have asked for.

Barbara Rushmore – 1) I want to thank you for the service to the town. It has been outstanding. 2) VSB says they are not going to pay for the services to the town which VSB had paid for – namely the summer 3<sup>rd</sup> Barrel pick-up and attendants who take care of the bathroom .. saying that it should that it should have been in the regular Department of Public Works budget. This is a problem. You are overseeing the VSB and I suggest that the VSB budget should be capped. 3) Our payback on the sale of lottery tickets is miniscule from the state. I am willing to work on this if anyone is willing to work on this with me.

George Bryant - Complained about DPW Director being reprimanded by State Ethics Commission.

### 3. SELECTMEN STATEMENTS

#### Michele Couture

I agree with Ms. Rushmore and will sit down with our State Rep. Sarah Peake and find out what we can do and will get back to Ms. Rushmore. Cheryl Andrews – In fairness to Mr. Olson, he has raised this issue almost every year since he has been on the board and I think our State Senator Rob O’Leary capture what we’ve learned to experience in Boston and said it best recently ... “What it is about is rural vs. city.” Richard Olson – I mailed a letter this morning to Governor Patrick on this subject with my observations and sent copies to State Senator O’Leary and Representative Peake.

Transfer Fee – We need the transfer fee and the 1.5% of the resale price is the way to go.

#### Richard Olson

None at this time.

#### Cheryl Andrews

Issue of the Tourism Fund – I will take what I heard her say and send it back to you folks. The conversation about the money that is going in to the Tourism Fund which is 45% of the Room Tax that is generated locally – it’s ironic because we hear some people say that more money should come out that fund for municipal projects and then we have a significant number of the business community saying just the opposite. They think we don’t spend enough. There was a tourism summit where the Board of Selectmen and the Town got lambasted because the money is as small as it is and that so many of our competing destinations spend so much more on marketing. In the end it is up to the town meeting voters. If you feel that the money in the tourism fund should be spent differently, I’m guessing you would have to put a warrant article on ahead of time to spend that money .. and then obviously you would be amending their budget when their budget comes up. If you just amended it now, money would sit there until next year. Unless you’ve already put an article on I don’t see how you can direct them to spend it a different way but we can ask Keith later or even the Moderator or Town Counsel what a ruling would be. Bottom line is, over the years the amount of money that has come out of the Tourism Fund Budget for town projects (3<sup>rd</sup> barrel pick-up, helping out with some of the DPW cost, etc.) has decreased and decreased to the point where it has been running only about \$30,000 and I certainly was persuaded, as the rest of the Board was, a majority of the Board was, that it didn’t make an awful lot of sense for us to be fighting and arguing with the Visitor Services Board and the Tourism Department every year over the budget over such a small amount of money. The message we were kind of getting from the town was that the town need to pay for the DPW. The town needs to pay for town services and that the Tourism Fund, which is only the 45%, because guess what the general fund gets the other 55%. So if any of you think the Tourism Fund should not get all 45% then you have to do it upstairs. I know it’s not coming from this Board of Selectmen right now. Where it will go in the future, I don’t know.

Thanks to Pam Parmakian for the homework you’ve done on housing. Don’t know how I am going to vote on Article 9. Issues you raised can happen on site. In the end the Zoning Enforcement Officer is policing it. Special Permits outline. Housing Council will have oversight.

Exemption – was a new idea put on the table last week. What I learned last week, which was a lot, is that it has to go to the legislature then come back her to go for ballot vote.

### 4. BOARD OF SELECTMEN APPOINTMENTS

Cape Cod Commission Representative

***MOTION: Move that the Board of Selectmen vote to reappoint Roslyn Garfield of 11 Conant Street, as Provincetown’s Representative on the Cape Cod Commission with an expiration date of April 24, 2010.***

**Motion by: Richard Olson**

**Seconded by: Michele Couture**

**Yea 3 Nay 0**

### 5A. REQUEST: ROBENA MALICOAT

ATM-15 Formalize Access to 320R Bradford Street

**MOTION:** *Move that the Board of Selectmen vote to make the determination that the portion of the abandoned railroad right-of-way which is the subject of the easement proposed in Article 15 of the April 4, 2007 Annual Town Meeting, from Snail Road to and along the boundary of 320 Rear Bradford Street as shown on the sketch plan labeled “distance from Snail Road = approximately 3/10 of one mile,” is no longer required solely for park and recreation land, with the condition that “the roadway (railroad right-of-way) shall not be paved, improved, macadamized, or widened and shall not be used and functioned to serve only a single family at the property located at 320 Rear Bradford Street; and further to recommend that Town Meeting approve said article.*

**Motion by:** Cheryl Andrews      **Seconded by:** Michele Couture      Yea 3    Nay 0

**5B    TREASURER’S TRANSFER**

Cape End Manor Gift Fund

**MOTION:** *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$174.00 from the Cape End Manor Gift Fund for the payment of the attached invoices.*

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

**5C1    MDPH HIV/AIDS GRANT – VIRTUAL GATEWAY SERVICE**

Appoint Alternate Access Administrator

**MOTION:** *Move that the Board of Selectmen vote to appoint HIV/AIDS Grant Program Manager Patrick Manning as the Alternate Access Administrator for the Virtual Gateway Service Agreement for online billing with the Executive Office of Health and Human Services.*

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

**5C2    MDPH HIV/AIDS HOME HEALTH GRANT**

Amendment – Revised Scope of Services for 2007

**MOTION:** *Move that the Board of Selectmen vote to authorize the execution of a contract amendment with the Massachusetts Department of Public Health for a revised scope of services to include MDPH approved work plan for 2007.*

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

**5D1    PARADE PERMIT REQUEST**

Portuguese Festival: Saturday, June 23, 2007

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Permit application submitted by Susan Avellar on behalf of The Portuguese Festival Committee for the annual celebration of “The Portuguese Procession” with this years theme: “Sharing of Portuguese Culture & Heritage”, to be held on Saturday, June 23, 2007 from 3 p.m. to 5:30 p.m.*

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

**5D2    PARADE PERMIT REQUEST**

Blessing of the Fleet, Sunday, June 24, 2007

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Susan Avellar on behalf of Blessing Of The Fleet, Inc., for their annual celebration of “The Blessing of the Fleet” to be held on Sunday, June 24, 2006 from 11:30 am to 12:30 pm.*

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

5E **REQUEST: AMBROSE HOMES, INC.**  
Temporary Parking Spaces for china Realty Trust, 361 Commercial Street.

**MOTION:** *Move that the Board of Selectmen vote to approve the request of Ambrose Homes, Inc. on behalf of China Realty Trust to reserve two parking spaces in the Johnson Street parking lot for the period April 1 to May 18, 2007, provided that the applicant shall pay the sum of \$1,536.00 for the temporary displacement of said parking spaces and further "No parking on weekends from 7 PM Friday evening to Monday morning at 6 AM."*

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

6A **PHASE II SEWER PROJECT**  
Withdraw Ballot Question, Special Town Meeting Article

**MOTION:** *Move that the Board of Selectmen vote to indefinitely postpone Article 1 of the April 4, 2007 Special Town Meeting, Phase II Sewer Project; and rescind its vote on February 26, 2007 inserting a question on the May 1, 2007 Annual Town Election ballot relative to this article.*

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

7. **APRIL 4, 2007 ANNUAL & SPECIAL TOWN MEETINGS**  
Adoption of Board of Selectmen's Recommendations on Articles

**Article 5. Home Rule Petition Provincetown Community Housing Bank – Real Estate Transfer Fee.**

**MOTION:** *Move that the Board of Selectmen vote to approve Article 5 as printed in the warrant, with the following amendment: by amending Section 11 (m) to read as follows: "(-m-) The first amount equal to one hundred fifty percent of the median price of a single family home sold in Barnstable County for the previous calendar year of the sale price of any transfer or series of transfers of real property interests in a single parcel, provided, however, that such an exemption shall be applied only to the principal residence of a taxpayer as used by the taxpayer for income tax purposes."*

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

**MOTION:** *Move that the Board of Selectmen vote to recommend ATM-3 Resolution: Provincetown Schools Pre-K to Grade 12.*

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

**MOTION:** *Move that the Board of Selectmen vote to recommend ATM-15 Formalize Access to the Property Known as 320 Rear Bradford Street.*

**Motion by:** Cheryl Andrews      **Seconded by:** Michele Couture      Yea 3    Nay 0

8. **MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of January 29, 2007 as printed.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of February 15 2007 as printed.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of February 20, 2007 as printed.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of March 9, 2007 with change so noted.*

**Motion by:** Cheryl Andrews      **Seconded by:** Michele Couture      Yea 3    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of March 12, 2007 with changes*

*so noted..*

**Motion by: Cheryl Andrews      Seconded by: Michele Couture      Yea 3    Nay 0**

**MOTION: *Move that the Board of Selectmen vote to approve the minutes of March 19, 2007 changes so noted..***

**Motion by: Cheryl Andrews      Seconded by: Michele Couture      Yea 3    Nay 0**

**9. CLOSING STATEMENTS**

**Economic Development Applicants**

**MOTION: *Move that the Board of Selectmen vote that the Economic Development Council permits approved by the Board of Selectmen on March 12, 2007 will have an expiration date of two years from date of issuance.***

**Motion by: Cheryl Andrews      Seconded by: Michele Couture      Yea 3    Nay 0**

The Board went into executive session at 8:15 PM.

Minutes transcribed by: Vernon G. Porter, Secretary

March 26, 2007