

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – WEDNESDAY, NOVEMBER 14, 2007

### JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the meeting at 6:00 PM noting the following Board of Selectmen attending: Mary-Jo Avellar, Michele Couture, Austin Knight, Pam Parmakian, Lynne Davies

Other attendees: Town Manager Sharon Lynn, Asst. Town Manager David Gardner

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

#### 1A REAL PROPERTY VALUE: 90 SHANKPAINTER ROAD

*Move that the board of selectmen vote to go into executive session, pursuant to MGL C.39, §23b, clause 6 for the purpose of discussing strategy, and the value of real property, and to convene in open session thereafter. [Roll Call Vote]*

Motion by: Austin Knight      Seconded by: Pam Parmakian

Austin Knight – Yea      Pam Parmakian - Yea      Michele Couture - Yea

Mary-Jo Avellar - Yea      Lynne Davies – Yea

Yea 5    Nay 0      - Motion Passes -

The Board went into Executive Session at 6:01 pm.

Board returned in open session at 6:17 pm.

#### 1B WASTEWATER PROJECT

Optimization of Downtown Sewer System

Attendees: DPW Director David Guertin, Wastewater Facilitator John Goodridge, Brian Dudley of DEP, Rob Adams of Metcalf & Eddy, Dana Faris, Ron Gamella

John Goodridge gave a presentation as to how the Town can move forward with Optimization of the Downtown Sewer System. Brian Dudley explained that with the 20,000 gallons freed up because of the Shankpainter basin, the Town has to take a good look at what all their options are, what they want for the future, and where they want to use these gallons. Metcalf & Eddy feels comfortable that 2500 of 5K of this gallonage can be used on the East Main.

Question and answer period followed. See agenda item for more detail.

Agenda Item – Discuss guidelines for

#### 1C JOINT MEETING with DISABILITY COMMITTEE

Disability Committee Members Present: Chairman Michelle DeMarco, Doug Johnstone, Richard Kapler, Jamia Kelly

Mary-Jo Avellar thanked everyone for their report. The Commission would like the Town to look at this report on an annual basis.

***MOTION: Move that the Board of Selectmen vote to adopt the ADA Municipal Grievance Procedures as developed by the Provincetown Disability Commission.***

Motion by: Michele Couture      Seconded by: Pam Parmakian      Yea 5    Nay 0

***MOTION: Move that the Board of Selectmen vote to post and advertise the Public Notice under the Americans with Disabilities Act as included in the ADA Self Assessment of Buildings and Programs Update submitted by the Provincetown Disability Commission on September 19, 2007.***

Motion by: Michele Couture      Seconded by: Pam Parmakian      Yea 5    Nay 0

Note: Schedule as agenda item for update at our January 14, 2008.

## 2. PUBLIC STATEMENTS

Candace Nagle - Believes town could save money if they dissolve the Provincetown Public Pier Corporation.

Bonnie Campbell – We are going to lose serious workers in this town. Language on ballots was not laymen’s terms for everyone to understand.

## 3. SELECTMEN STATEMENTS

### Lynne Davies

I was disappointed in the results of the votes last night. We are going to face many financial issues. We just don’t know at this time what is going to happen. I would rather people have their say here at our meetings, and not wait until Town meeting in April.

Austin Knight and I attended the Cape Cod Selectmen’s & Councilor’s Meeting this past Friday and one topic was “Where are we going to get some money?”. What is the cost of not taxing condo conversions? Local options tax – meals or purchasing? We need to find additional funds to survive. There is a meeting on Dec. 5<sup>th</sup> at the Federal Reserve Bank in Boston and they will be taking comments and questions. I encourage my fellow Selectmen to attend.

### Austin Knight

***MOTION: Move that the Board of Selectmen vote to send a letter of congratulations to the Boston Red Sox on behalf of the Town of Provincetown on their winning the World Series and invite them to bring their trophy to Town.***

**Motion by: Austin Knight      Seconded by: Pam Parmakian      Yea 5 Nay 0**

Phil Gaudio – John Anderson Scholarship Fund – determination – schedule for January agenda item.

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to the Veterans of Foreign Wars for the Veterans Day Services on November 11, 2007.***

**Motion by: Austin Knight      Seconded by: Michele Couture      Yea 5 Nay 0**

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to those involved in organizing the Tour Bus Guides Appreciation Day.***

**Motion by: Austin Knight      Seconded by: Michele Couture      Yea 5 Nay 0**

Would like a report on room tax figures – if we had 4% how much would that mean to us.

Would like an update on renters certificates.

We have a posted meeting with Superintendent Price of the Cape Cod National Seashore in December, but I want to share one concern. Last week I was approached by a resident in town with concerns at Herring Cove (Nude Beach) that there was an unmarked car with camera surveillance going on. And it is true. Craig Thatcher confirmed that the purpose is for drug, alcohol, and illicit behavior activity. What bothers me, is that there is no warning as you go to the beach that you are being watched and under surveillance by an unidentified car and by a ranger. This bothers me tremendously. I’ve heard a lot of complaints this summer about the Rangers. I’ve been told that these are isolated incidents. However, as I said to Craig, each isolated incident seems to have developed a pattern. Certainly, in our December meeting I don’t want this to be the whole topic, but I do want it addressed at that time.

I attended a Green Meeting in Wellfleet a few weekends ago, and I talked with Mark Forest from Congressman Delahunt’s office. They are still very much in favor of the Bio-Diesel Fuel Project as

partnership with the Cape Cod National Seashore. I want to make sure this is part of our meeting in December with Superintendent Price as well.

***MOTION: Move that the Board of Selectmen vote to send a letter of Congratulations to Bill Ingraham and Ray Sparks on their 50<sup>th</sup> Wedding Anniversary.***

**Motion by: Austin Knight      Seconded by: Michele Couture      Yea 5 Nay 0**

**Michele Couture**

Monthly reports on tax liens – can we start getting these once again?

Congratulate Irene Rabinowitz for being elected our new Town Moderator.

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to the Provincetown Fire and all those involved for their extraordinary service, and putting themselves on the line during this unsettling period.***

**Motion by: Michele Couture      Seconded by: Austin Knight      Yea 5 Nay 0**

Ask the Town Manager to pass on our “Special Thanks” to our entire DPW Department for the amazing job they did on the storm two weeks ago.

Override did not pass last night and it was absolutely demoralizing to town staff. Citizens of Provincetown are the employers, and it is a shabby way to treat your employees. The reality is that we are going to have to do 2 ½ overrides and debt exclusions in order to deal with the cost. We have to make some very difficult decisions. We have to do what is best for the town, and think of the town as a whole.

We need a common vision for the town, and I challenge my colleagues to get together as a group and come up with a new Master Plan. The last plan was done in 1988. We need to craft our vision for Provincetown.

**Pam Parmakian**

The Town Hall holiday decoration party is to be held on Monday – Nov. 19<sup>th</sup>, 11 AM – Volunteers needed.

Business Summit – Wednesday – November 28<sup>th</sup> – Noon to 4 PM.

I was also disappointed in the election results last night. A lot of people don’t realize what happened last night, what they voted for, and the impact of their vote. There definitely is a disconnect within the town.

Sharon Lynn - Gave briefing on the impact of the results of the outcome of the election results last evening.

**Mary-Jo Avellar**

I wasn’t surprised by what happened last night. It should be a wake-up call that something is not right.

I will not support any staff cutback at all. It is up to the press to do an in-depth analysis on the articles of town meeting, and the consequences of each.

I hope that the press will listen to what we have had to say, and will start doing some in-depth analysis of exactly what is going on when articles are proposed for Town Meeting.

***MOTION: Move that the Board of Selectmen vote to send a letter to our Governor, Senate President, Speaker of House, and State Representatives objecting to Casinos in our Area and to further ask the Cape and Island Selectmen’s and Councilors Association to join us.***

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

**NSTAR** – at the last storm some people went without power for up to 5 days. High School to Bradford on Winslow Street. They did a lousy job of keeping people informed.

***MOTION: Move that the Board of Selectmen vote to send a letter to NSTAR inviting Jeff Luce to a future Board of Selectmen’s meeting.***

**Motion by: Mary-Jo Avellar**

**Seconded by: Michele Couture**

**Yea 5 Nay 0**

**4A APPOINTMENT**

None at this time

Mary-Jo Avellar recused herself and left the room as her husband is a town employee whose services are leased to the Provincetown Public Pier Corporation.

**5A GRANT APPLICATION: PROVINCETOWN PUBLIC PIER CORP**

CZM Coastal Pollutant Remediation Grant Request

***MOTION: Move that the Board of Selectmen vote to authorize the submission of a grant application by the Provincetown Public Pier Corporation in the amount of \$124,800 to the Massachusetts Executive Office of Energy & Environmental Affairs, Office of Coastal Zone Management, Boston, MA for the Design and Construction of Vessel Sewage Pumpout Facility at MacMillan Pier, Provincetown, Massachusetts.***

**Motion by: Lynne Davies**

**Seconded by: Pam Parmakian**

**Yea 3 Nay 1 (Michele Couture)**

Mary-Jo Avellar returned

**5B1 TREASURER'S TRANSFER**

Library Building – Belfry & Exterior Gift Fund

***MOTION: Move that the Board of Selectmen, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$2,280.56 from the Library Building – Belfry & Exterior Gift Fund to pay for the attached invoice(s).***

**Motion by: Pam Parmakian**

**Seconded by: Austin Knight**

**Yea 5 Nay 0**

**5B2 TREASURER'S TRANSFER**

John A. Henry Trust Fund

***MOTION: Move that the Board of Selectmen, as Commissioners of the Trust Funds, to approve the transfer of \$7,736.23 from the John A. Henry Trust Fund for the payment of the attached invoice(s).***

**Motion by: Michele Couture**

**Seconded by: Lynne Davies**

**Yea 5 Nay 0**

**5C MCDBG – Water System Improvements**

Design & Engineering Amendment/Environmental Partners Group, Inc.

***MOTION: Move that the Board of Selectmen vote to approve and execute amendments to the contracts with Environmental Partners Group, Inc. of Hingham, Massachusetts in an amount not to exceed \$6,000 under the 2005 Massachusetts Community Development Fund program and \$149,000 under the 2006 Massachusetts Community Development Fund program for design and engineering services for the water system improvements projects funded by the Massachusetts Department of Housing and Community Development.***

**Motion by: Michele Couture**

**Seconded by: Austin Knight**

**Yea 5 Nay 0**

**5D MASS COMMUNITY DEVELOPMENT BLOCK GRANT**

Extension Request

***MOTION: Move that the Board of Selectmen vote to request a grant extension through March 31, 2008 for the water system improvements under the Town of Provincetown's FY 2006 Community Development Fund Grant program for completion of the project.***

**Motion by: Michele Couture**

**Seconded by: Pam Parmakian**

**Yea 5 Nay 0**

**5E PROCLAMATION: SENIOR CITIZENS DAY**

Sunday, December 9, 2007

**MOTION:** *Move that the Board of Selectmen vote to approve the application submitted by Robin Reid of Provincetown, MA to proclaim Sunday, December 9, 2007, as Senior Citizen Day in the Town of Provincetown.*

**Motion by:** Lynne Davies      **Seconded by:** Michele Couture      **Yea 5    Nay 0**

**5F    AIRPORT COMMISSION**

EA/FEIR/DRI Contract

**MOTION:** *Move that the Board of Selectmen vote to execute a contract in the amount of \$736,000 with Edwards and Kelcey Inc. 343 Congress Street, Boston, MA. 02210 for the Environmental Assessment (EA) Final Environmental Impact Report (FEIR) and Development of Regional Impact (DRI) for the Provincetown Municipal Airport.*

**Motion by:** Austin Knight      **Seconded by:** Lynne Davies      **Yea 5    Nay 0**

**6A    PAMET LENS OVERSIGHT GROUP –UPDATE**

Open discussion. No motions made.

**6B    NOVEMBER 5, 2007 – SPECIAL TOWN MEETING FOLLOW-UP**

Have a meeting prior to next regular meeting. Come up with some strategies. Monday, November 9, 2007 Special Meeting .

**6C    TOWN MANAGER FOLLOW-UP/OTHER**

Attended meeting this morning in Hyannis re: Flex Route currently in debt \$1.5 mil. Their accounting firm is recommending it be shut down immediately. However, their Advisory Board came up with some ideas and will have another meeting in December to address the issues, and recommendations, and fiduciary responsibilities of the Advisory Committee, and moving forward as to whether to shut it down, suspend service, or take some other measures.

**6C1    PRE-APPLICATION – COASTAL ZONE MANAGEMENT GRANT**

Storm Water Infiltration

**MOTION:** *Move that the Board of Selectmen vote to approve the submission of a pre-application for a grant in the amount of \$140,000 to the Massachusetts Coastal Zone Management Agency, Boston, MA for the purpose of a Storm Water Filtration for the West End Parking Lot Outfall Pipe in the Town of Provincetown, MA.*

**Motion by:** Michele Couture      **Seconded by:** Lynne Davies      **Yea 5    Nay 0**

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of October 18, 2007 (Business Summit) as printed.*

**Motion by:** Michele Couture      **Seconded by:** Pam Parmakian  
**Yea 4    Nay 0    Abstain 1 (Mary-Jo Avellar)**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of October 22, 2007 (Regular Mtg.) as printed.*

**Motion by:** Michele Couture      **Seconded by:** Pam Parmakian      **Yea 5    Nay 0**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of November 1, 2007 (Open Forum) as printed.*

**Motion by:** Michele Couture      **Seconded by:** Pam Parmakian      **Yea 5    Nay 0**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of November 5, 2007 (Town Meeting) as printed.*

**Motion by:** Michele Couture

**Seconded by:** Lynne Davies

**Yea 5 Nay 0**

**8. CLOSING STATEMENTS**

**Lynne Davies** - Noise Bylaw – that was voted down by town meeting. Does that mean we have no noise bylaw? **Town Manager Sharon Lynn.** - Town Counsel and I are set up to meet to discuss this, and we have to bring something forward because there is no enforcement mechanism right now. It's the same, but we suspended it. We agreed that the Police would not enforce it while it was in litigation.

**Austin Knight** - Clarification on how are we doing on the performance reviews for the Town Manager and all of that – what's happening? **Michele Couture** – Do we have a copy of what you came up with? **Sharon Lynn** – Ms. Davies and I forwarded that to Ms. Parmakian and the area that we are still working on is the review of the goals. You should have that by your next regular meeting.

**Mary-Jo Avellar** - None **Michele Couture** – None **Pam Parmakian** – None

Motion to adjourn by Michele Couture at 9:50 PM.

**Minutes transcribed by:** Vernon G. Porter, Secretary  
November 30, 2007