

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – MONDAY, DECEMBER 9, 2002**

**JUDGE WELSH HEARING ROOM**

Chairman Mary-Jo Avellar opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Mary-Jo Avellar, Cheryl Andrews, Michele Couture, Sarah Peake and Richard Olson.

Other attendees: Town Manager Keith Bergman, Acting Assistant Town Manager Michelle Jarusiewicz,

Recorder: Secretary to Town Manager Doug Johnstone

The following are meeting minutes, in brief.

**MOTION:** *Move that the Board of Selectmen take Agenda Item #6 out of order.*

**Motion by:** Mary-Jo Avellar                      **Seconded by:** Cheryl Andrews                      Yea 5    Nay 0

**6.            MUNICIPAL PURPOSE BOND ANTICIPATION NOTE #1013**

**MOTION:** *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1013 in the amount of \$1,998,500.00 dated December 10, 2002 at 1.95% interest payable at maturity to Cape Cod Bank and Trust on December 10, 2003.*

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

**MOTION:** *Move that the Board of Selectmen take Agenda Item #5B out of order.*

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

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

FY 2003 Sub-Contracts

**MOTION:** *Move that the Board of Selectmen vote to authorize the execution of the following sub-contracts for the provision of services as outlined in the Town's grant agreement with the Massachusetts Department of Public Health for the period December 1, 2002 through June 30, 2003: (1) AIDS Support Group of Cape Cod up to \$15,000.50 and (2) Visiting Nurses Association of Cape Cod up to \$7,904.30*

**Motion by:** Mary-Jo Avellar                      **Seconded by:** Cheryl Andrews                      Yea 5    Nay 0

**4A            VISITOR SERVICES BOARD - FY 2003 TOURISM FUND**

Outer Cape Chorale - \$750

**MOTION:** *Move that the Board of Selectmen vote to accept the Visitor Services Board's October 8, 2002 recommendation to fund \$750 for the Outer Cape Chorale for the Messiah from the promotional projects budget of the FY 2003 699 Tourism Budget.*

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

**4C            REGIONAL READY RESOURCE GRANT APPLICATION**

FY 2003 Sub-Contracts

**MOTION:** *Move that the Board of Selectmen vote to authorize the execution of the joint authorization form for participation in a regional Ready Resource Grant Application for \$290,000 to support the Business Builders Program through the Massachusetts Department of Housing & Community Development.*

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

**5A    EOPS GRANT APPLICATION**

Local law Enforcement Public Safety Equipment/\$15,500

**MOTION:** *Move that the Board of Selectmen vote to authorize the submission of a grant application to the Executive Office of Public Safety under its FY 2003 Local Law Enforcement Public Safety Equipment grant program in the amount of \$15,500 to fund the following for the Provincetown Police Department: to equip an SUV as a mobile command post, to purchase additional equipment including radios, cell phones, batteries, and laptop computer.*

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

**5C    IMPROVING SHANKPAINTER ROAD**

FY 2003 Town-wide Policy Goal 11.10

Discussion ensued. Town Manager gave an overview. Community Development Director seeking guidance.

**1A1    LITIGATION STRATEGY; NEXTEL v. TOWN**

Zoning Board of Appeals, Planning Board MGL C. 39,§23B, Clause 3

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 39§23B,clause3, to go into executive session for the purpose of discussing strategy with respect to litigation; and to convene in open session thereafter.*

**Motion by:** Michele Couture      **Seconded by:** Richard Olson

[Roll call vote]

**Sarah Peake - Yea                      Michele Couture - Yea      Richard Olson - Yea**

**Mary-Jo Avellar - Yea              Cheryl Andrews - Yea**

**Yea 5    Nay 0**

The Board of Selectmen went into Executive Session at 6:40 pm and returned at 7:30 pm.

Cheryl Andrews left the room.

**1B1    CAPE END MANOR CARE CAMPUS: DPW GARAGE SITE**

D.O.N. Application; Zoning Amendment; Surplus Declaration

**MOTION:** *Move that the Board of Selectmen vote as follows to establish the DPW Garage Site (Assessors Map 9-1-8) as the proposed location for the Cape End Manor Care Campus:*

*(1) to submit by the January 2, 2003 deadline a Determination of Need application to the Massachusetts Department of Public Health for said site;*

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

*(2) to refer to the Planning Board, pursuant to MGL C. 40A,§5, a proposed zoning amendment to add said site to the Highway Corridor Overlay Zoning District;*

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

*(3) to declare, pursuant to MGL C.30B,§16, clause (a), that said site is available for disposition pursuant to the terms of a Request for Proposals in which the Town is seeking offers from qualified Health Care Providers to acquire title to the parcel and construct thereon a new health care complex consisting of a nursing home, outpatient rehab services, and affordable assisted senior living, and to transfer the Cape End Manor nursing home license for operation thereof, such conveyance to be conditioned upon the successful Health Care Provider assuming operation and management of the Town's existing Cape End Manor nursing home on or about July 1, 2003 and to continue such operation and management until the new facility is opened; and, further to rescind the Board's vote of October 28, 2002 relative to the siting of a non-profit animal shelter on a portion of said property and to direct that an alternative site be identified.*

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

Cheryl Andrews returned.

**7.      BOARD OF SELECTMEN'S 2002 YEAR END APPOINTMENTS**

**MOTION:** *Move that the Board of Selectmen vote to appoint Lenny Alberts as a Full Member of the Airport Commission with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Joan Drysdale as a Full Member of the Airport Commission with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Heath Gaitlin as an Alternate Member of the Airport Commission with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Constance Blacks as a Full Member of the Art Commission with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Diane Shumway as a Full Member of the Art Commission with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Minerva Newman as a Full Member of the Board of Assessors with a term expiration date of December 31, 2005*

**Motion by:** Cheryl Andrews      **Seconded by:** Sarah Peake      **Yea 5    Nay 0**

**MOTION:** *Move that the Board of Selectmen vote to appoint Gregory Muse as an Alternate Member of the Board of Assessors with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint James Mack as a Full Member of the Beautification Committee with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the recommendation of the Town Manager to appointment Sheila Benzer as a Full Member of the Conservation Commission with a term expiration date of December 31, 2005.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the recommendation of the Town Manager to appoint Peter Souza as a Full Member of the Conservation Commission with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Sandy Dobbyn as an Alternate Member of the Cape End Manor BOD with a term expiration date of December 31, 2005*

**Motion by:** Michele Couture      **Seconded by:** Sarah Peake  
Yea 4    Nay 0    Abstain 1 (Cheryl Andrews)

**MOTION:** *Move that the Board of Selectmen vote to appoint Michael Wright as a Full Member of the Cultural Council with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the recommendation of the Town Manager to appoint Jo-Ann DiOrio as a Full Member of the Disability Commission with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the recommendation of the Town Manager to appoint James Pipilas as a Full Member of the Disability Commission with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the recommendation of the Town Manager to appoint John Dowd as a Full Member of the Historical Commission with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Mitchell Baker as a Full Member of the Licensing Board with a term expiration date of December 31, 2005*

**Motion by:** Cheryl Andrews      **Seconded by:** Sarah Peake      .... Yea 5    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to appoint Ellen Battaglini as a Full Member of the Planning Board with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Treg Kaeselau as a Full Member of the Recreation Commission with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Olive Ahmuty as a Full Member of the Board of Registrars - Republican with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Howard Weiner as an Alternate Member of the Zoning Board of Appeals with a term expiration date of December 31, 2005*

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

**MOTION:** *Move that the Board of Selectmen vote to appoint Lynne Davies as an Alternate Member of the Zoning Board of Appeals with a term expiration date of December 31, 2005*

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

2. **PUBLIC STATEMENTS**

Peter Souza - Upset at Site Y loss. Submitting tapes/photos to Division of Wildlife.

Sheila Benzer - Thanked Board of Selectmen for work on trying to obtain Site Y. Comments on new DPW garage site.

3. **SELECTMEN'S STATEMENTS**

**Sarah Peake**

Update of noise by-law meeting last Saturday.

**Cheryl Andrews**

**MOTION:** *Move that the Board of Selectmen vote to ask, through the Town Manager, that the Community Development Department Staff follow-up with the Library Board of Directors as to a timeline when they will be applying for building permits, and will building permits involve any Local, State or Federal Historical Commissions.*

**Motion by:** Cheryl Andrews      **Seconded by:** Richard Olson  
Yea 4    Nay 0    Abstain 1 (Sarah Peake)

Pier dedication this Friday - from 11:30 to 2:30 pm.

Affordable Housing Roundtable was a plus. A lot of new interesting ideas.

**Michele Couture**

Affordable Housing Roundtable - Echo Dr. Andrews's sentiments. Very well put together and thank everyone that was involved in it.

Executive Sessions - would like to see them put at the end of the meeting or scheduled differently. Final decision - when we have Executive Sessions scheduled our regular meeting for 7 pm and the executive session for 6 pm. - All agreed.

Cemetery Commission / Grant Update? - Acting Assistant Town Manager Michelle Jarusiewicz provided an update.

**Richard Olson**

Concerned over the loss of Site Y

Coast Guard Fence Update? - Community Development Director Jon Gilmore proved an update - Roses!

**Mary-Jo Avellar**

**MOTION:** *Move that the Board of Selectmen ask the Community Development Director Jon Gilmore to look into 16 Thistlemore Road to make sure the building is in compliance with zoning ordinances and local regulations.*

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

**MOTION:** *Move that the Board of Selectmen send a letter to the Open Space Committee advising them that the Board of Selectmen does not appreciate the Open Space Committee's comments relative to this*

*year's budget narrative whereby the Open Space Committee does not agree with the vote of the Provincetown voters to seek special legislation to increase affordable housing from 10 % to 35% and to expand the list of allowable affordable housing uses, and to maintain all open spaces properties - not just those purchased with Land Bank funds.*

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

**4B            WINDMILL PROPOSAL**  
Wind Management, LLC - Mr. Brian Braginton-Smith

Presentation by Mr. Braginton-Smith.

**MOTION: *Move that the Board of Selectmen vote to send a letter to Wind Management, LLC of South Yarmouth, MA in support of UPC Wind Partners' work in the wind energy field, and in UPC's Cape-Wide Community Wind energy initiative to fit into the further energy needs and plans of Provincetown.***

**Motion by: Michele Couture            Seconded by: Richard Olson  
Yea 4   Nay 1 (Cheryl Andrews)**

**8.            CLOSING STATEMENTS**

**Richard Olson - None            Sarah Peake - None**

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

Motion to adjourn by Michele Couture at 8:35 PM.

Minutes transcribed by: Vernon Porter, Secretary  
December 23, 2002