

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, JANUARY 14, 2008

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the meeting at 6 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, Municipal Finance Director Alix Heilala

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING – FIREHOUSE #2 – 189 COMMERCIAL STREET

Chairman Avellar read Public Hearing Notice into record.

No written comments were received.

Presentation by: Principal Robert Evans of A & E Architects, Brewster, MA and Provincetown's Acting Building Commissioner Russell Braun

Russ Braun mentioned that Option #3 has been taken off the table as they feel it is not feasible, as well as the cost \$80K for an elevator is not feasible.

Public Comments – None

Email received from Marcene Marcoux that was sent to Selectmen Austin Knight and Lynne Davies only was read into the record. (See attachment #1)

Letter from Maggie Finn – Read into the record (See Attachment #2)

Open discussion ensued.

MOTION: *Move that the Board of Selectmen vote to recommend option 2.*

Motion by: Michele Couture Seconded by: Pam Parmakian

Yea 1 Nay 4 (Avellar/Knight/Davies/Parmakian) - *DOES NOT PASS* -

MOTION: *Move that the Board of Selectmen vote to develop the plans for Option 2 with cost associated and phasing it in. (i.e. winterizing, structural repairs and having it ready to be wired and plumbed, etc.)*

Motion by: Austin Knight Seconded by: Pam Parmakian

Yea 1 Nay 1 (Michele Couture)

MOTION: *Move that the Board of Selectmen vote to approve a change order for A & E Architects of Brewster, MA in the amount of \$19,000 for the purpose of developing the plans for the above motion.*

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

1B PUBLIC HEARING: GROWTH MANAGEMENT REPORT

Zoning By-Laws 6600(3)

Mary-Jo Avellar mentioned the public hearing was published and posted on the town website December 27, 2008, and the Provincetown Banner, January 3 and 10, 2008 and the public was encouraged to submit any comments in writing or to come in person at the meeting.

Mary-Jo Avellar read into the record a email from Marcene Marcoux that was sent only to Selectmen Austin Knight and Lynne Davies (See Attachment #3)

No other public comments were received. No comments from the general public at this meeting.

Open discussion ensued. Need to start working on EDC permits.

MOTION: Move that the Board of Selectmen vote, pursuant to the Provincetown Zoning By-Laws Section 6600, Growth Limitation Goal Allocations, to make the following findings (1) that the average daily withdrawal for the Provincetown Water System decreased from 784,000 gallons in 2006 to 725,000 GPDs in 2007; (2) that the permitted level is 850,000 GPDs; and (3) that, therefore, the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations by DEP with respect thereto.

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

1C RECYCLING & RENEWABLE ENERGY COMMITTEE

Joint Meeting with Board of Selectmen

The Board would like to invite the Recycling Committee to attend the meeting with Mass Technologies Collaborative when we meet with them.

Open discussion ensued. No motions made.

1D VISITOR SERVICES BOARD – JOINT MEETING W/BOARD OF SELECTMEN

Proposed Five-Year Financial Plan for Tourism Fund Expenditures

VSF in attendance: Michael Peregon, Hersh Schwartz, Rob Tosner, Michelle Haines, Kathleen Fitzgerald, Mick Rudd and Tourism Director Lisa Bowden.

Open discussion ensued.

MOTION: Move that the Board of Selectmen vote to approve the Visitor Services Board’s recommended Five-Year Financial Plan for Tourism Fund Expenditures for FY 2009 – FY 2013; with FY 2009 Budget as so indicated in Assistant Town Manager’s David Gardner Memo to Town Manager Sharon Lynn dated December 7, 2007 with the further condition that Beautification be taken out of the Visitor Services Board along with the \$4,000.

Motion by: Michele Couture Seconded by: Pam Parmakian

Yea 4 Nay 1 (Lynne Davies)

Regional Transit Authority is looking for funding for the Flex service. There is a public hearing on January 24, 2008 at 4:30 PM in Eastham Town Hall and we’re looking for some Town representation at this hearing.

MOTION: Move that the Board of Selectmen vote to approve the Provincetown Farmers’ Market to be held in the Ryder Street Parking Lot for 23 consecutive Saturday afternoons commencing May 17, 2008 and concluding October 25, 2009 [Excluding June 28, 2008 – Portuguese Festival Weekend].

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

H2B – There is a meeting this Thursday on this matter and everyone is invited to attend. Tentative set up for Noon on Thursday and place to be announced. Will advise everyone ASAP.

2. PUBLIC STATEMENTS

Thanassi Kuliopulos - Spoke on his reasons for a proposal for Wind Power. (See attachment #4)

Jeff Coho – Played tape recording of the an alleged phone call from the Provincetown Fire Chief and asked that the Board of Selectmen look into it and call him before the board.

Rachel White - Spoke on various items that were discussed during the evening including the replacement of an Assistant for the Tourism Office, Wind Turbine, charging for trash bags, Fishermen’s Memorial, Town is lucky to have Visitor Services Board, curious that the School had to turn back money to the General Fund.

Barbara Rushmore – Spoke on: Decorations at Town Hall this were the best ever; When will we have another meeting on Paving on Commercial Street?; Article 24 that was passed in 2007 – was never done and I ask that you please do it; feels that the VSB should pay for Municipal Projects, and at the same time they should be given credit for it by attaching a plaque of some sort to each projects; should outsource any of our work when we can do it in-town; shortage of help to run restaurants, etc. – my suggestion is to contact the Western Indian Reservations who are well educated and looking for work.

Rob Tosner – Comments regarding the discussion around Firehouse #2 – I think most taxpayer would be hard pressed to understand we are spending \$19K on those plans that we saw tonight for options that we did or did not know that we were not going to take. I think that's what gets people upset. And then we spend another \$19K on top of that to come up with working plans that we may or may not do down the line. That is the kind of thing that gets people upset. We're spending \$38K on plans, half of which we may not use, but we had a long discussion about spending \$15K on municipal project that were here before. They are not necessarily related, but they do contrast how we make decisions. Also, I think the other decision about making Police dormitories above a Firehouse across from Spiritus Pizza, I think the public is going to laugh at that. I think it is a ridiculous idea. It's one of those things I think we'll agree to disagree. I think housing above there is questionable, and police dormitories makes little sense to me.

Wind Turbines – I would like to see that the Town benefit as a resource from that.

3. SELECTMEN STATEMENTS

Pam Parmakian

Thank you all for you comments tonight around Wind Turbines. I think they could not come at a better time, and I look forward to the presentation in a few week.

MOTION: Move that the Board of Selectmen vote to send a Sympathy Card to Roslyn Garfield on the loss of her partner Phyllis

Motion by: Pam Parmakian

Seconded by: Michele Couture

Yea 5 Nay 0

I want to remind everyone that the budget process begins next week and that the Budget Meetings are open to the public and will be held on January 22,23 and January 29, 2008. This is the opportunity for the public to get acquainted with the town budget and how it is determined prior to Town Meeting .. understanding the process from beginning to end.

Annual Independent Audit – Tom Scanlan & Associates is compiling the information and it will be ready by the end of March or early April. All financial statements are in this report.

The Financial Practices Review that will begin this week by DOR is not an audit. It's a review of how we conduct business and this is the FREE service that is provided by the State. If anyone is interested they can go to the DOR website and check out Public Financial Reviews and see published reports to see what they look at and what they review, etc. Michele Couture - At no time has the Town ever denied DOR. Supposedly there was a free audit and they never offered such a service. The only service they offer is to do Technical Review, and it starts tomorrow and it lasts a couple of days.

Town Board Websites – I continued to look for Boards or emails contacts.

Lynne Davies

I also agree that the Town, as we look towards wind turbines and everything, should be looking towards self-sufficiency and maintaining the income stream for ourselves or our consortium, our partner whether it be Truro or someone else, rather than having it a private concern and the money going out the door and into the grid.

I am trying to get a handle on what we truly need for local housing ... A report that was done several years ago. I would like to know how many townspeople need rental housing, what type of – one bedroom, two bedroom, etc; how many are prepared to buy community (in the big picture – affordable, medium, etc.). It would be very helpful if we knew what we really had to fulfill, and be able to check it off so to speak and monitor our success in filling what our local housing needs truly are. A lot of changes happened since that original information was provided us. I would like to propose that we ask that the new Housing Council pull together that information so that we can have some way of monitoring our success rate.

Open discussion ensue.

Michele Couture

Contrary to what may be spreading around town, our Bond Rating is ‘A’ with a positive outlook.

MOTION: Move that the Board of Selectmen vote to send a letter to Mr. James Souza for his services of 43 years as a Constable for the Town of Provincetown.

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

To Mrs. White - in creating positions – it is in the purvue of the Town Manager to make personnel work and function within the Town the way she sees fit. In fact, we had a Secretary in the DRM who is now a Permit Coordinator, and that never went to Town Meeting. We saw the need and saw that she was doing some of those things anyway, and without having her to go to town meeting, we now have a Permit Coordinator.

MMA Convention – was attended by all of us, and we attended many workshops and got a lot of important work done for the town. The Town Manager was there along with some FinCom members, and we all came away with some really invigorating ideas.

To Barbara Rushmore – it was a very interesting idea about soliciting help from different avenues.

David Gardner - The existing Fisherman’s Memorial needs to have some work done on it and where it will be located has not been determined as of yet. A new fishermen’s memorial is also in the works.

Public Hearing on paving is January 28th.

I also think very highly of the Superintendent of Schools. The School gets to keep their funds every year. They get to encumber their funds.

Outsourcing our tax bills – it is cheaper to send your tax bills to our lock box – it saves us money.

To Mr. Tosner – I guess we will have to agree to disagree in housing our police in a town owned building across from Spiritus.

Austin Knight

Regarding Ms. Rushmore’s question on Article 24. Town Manager Sharon Lynn – I’ve discussed this with Mr. Schneiderhan and he is putting a letter together and it will be forthcoming. I will forward it along to the Board when I receive it.

Regarding Firehouse #2 - I’m not limiting it to dormitory housing, we can also rent it and bring money into the town. The same with the Library, we can start renting it and bring some money in ... start renting the 2nd and 3rd floor.

Future agenda uses for old Library – Schedule for February 2008.

Encourage Ms. Rushmore to speak to Town Manager on her suggestion of securing summer help.

Mary-Jo Avellar

Would like to find out what the tape that Mr. Coho was all about. Town Manager Sharon Lynn – It is a matter under litigation. I will fill you in on it.

Recycling & Energy Conservation – I’m glad that we are have people who are willing to take on this project.

Thursday Budget Meeting – We are still scheduled for this meeting, unless we decide to cancel it. So, I expect everyone to be here Thursday @ 6 PM, as we have not voted to cancel any meetings. We will decide Wednesday night if we need to meet.

4A APPOINTMENT

MOTION: Move that the Board of Selectmen vote to appoint David Ketchum as a Regular Member of the Council on Aging with a term expiration date of December 31, 2010.

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

MOTION: *Move that the Board of Selectmen vote to appoint John Dowd as an Alternate Member of the Art Commission with a term expiration date of December 31, 2010.*

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

4B TOWN MANAGER APPOINTMENT

MOTION: *Move that the Board of Selectmen vote to reappoint Doug Johnstone as a Regular Member of the Disability Commission with a term expiration date of December 31, 2010.*

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

MOTION: *Move that the Board of Selectmen vote to reappoint Richard Kapler as a Regular Member of the Disability Commission with a term expiration date of December 31, 2010.*

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

5A TOWN CLERK - 2007 TOWN REPORT DEDICATION

MOTION: *Move that the Board of Selectmen vote to dedicate the 2007 Annual Town Report to those current and former Town board members and employees who died during calendar year 2007, as contained in the list of names submitted by Town Clerk Douglas Johnstone.*

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

5B NATURAL HAZARDS PRE-DISASTER MITIGATION PLAN

MOTION: *Move that the Board of Selectmen vote, as required by the Federal Emergency Management Agency under the Disaster Mitigation Act of 2000, to adopt and approve the Local Natural Hazard Pre-Disaster Mitigation Plan for the Town of Provincetown, dated January 14, 2008.*

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

5C TREASURER'S TRANSFERS – LIBRARY BUILDING GIFT FUND

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$938.35 from the Library Building & Gift Fund to pay for the attached invoice.*

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

5D NICK'S PARK – BARNSTABLE COUNTY LAND GRANT APPLICATION

MOTION: *Move that the Board of Selectmen vote to approve the submission of a grant application to the Barnstable County Land Grant Program in the amount of \$2,500 to implement the land management plan for the Nicky Wells Conservation Area in Town of Provincetown; also known as "Nicky's Park."*

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

5E DEPARTMENT OF PUBLIC WORKS

Stationary Solid Waste Compactor Purchase

MOTION: *Move that the Board of Selectmen vote to execute a contract in the amount not to exceed \$54,289.00 with the Atlantic Recycling Equipment, LLC, 214 Rochester Neck Road, Rochester, NH with a mailing address of P.O. Box 339, Dover, NH., for the purchase of One (1) 645XHD-D80 Compactor Model Dual Ram Transfer Station Compactor; to replace the existing SP Model 8002 compactor.*

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

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to the Town of Truro for their cooperation in allowing Provincetown to utilize their transfer station while our compactor was being repaired.*

Motion by: Michele Couture

Seconded by: Pam Parmakian

Yea 5 Nay 0

5F POLICE DISPATCH TRAINING / EOPS

State Wide Emergency Telecommunications Board Training Grant

MOTION: Move that the Board of Selectmen vote to authorize the Police Chief to submit a Statewide Emergency Telecommunications Board Training Grant application to the Executive Office of Public Safety in the amount of \$5,000 for dispatch training.

Motion by: Michele Couture

Seconded by: Lynne Davies

Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Mr. Robert Duffy for his generous gift the Library Gift Fund.

Motion by: Mary-Jo Avellar

Seconded by: Michele Couture

Yea 5 Nay 0

5G LIBRARY GIFT FUND REQUEST

Façade Restoration Engineering Services

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the use of \$65,000 from the Library Building Gift Fund to procure the engineering services of Coastal Engineering Company, Inc of Orleans for the Library's facade restoration project.

Motion by: Michele Couture

Seconded by: Lynne Davies

Yea 5 Nay 0

6A PAMET LENS OVERSIGHT GROUP – UPDATE

Open Discussion. No motions made. Next meeting will be in Provincetown @ Town Hall on January 17, 2008.

Town Manager to schedule joint meeting with Truro Board of Selectmen.

6B PAY AS YOU THROW PROGRAM

Implementation Approach

Open discussion.

MOTION: Move that the Board of Selectmen vote to authorize the Town Manager to direct staff to develop, at minimum, three (3) scenarios that support the implementation for a “Pay as You Throw Program” to include the following: Public Forums, Web site postings, Direct Mailings and Board of Health Rule review; further to establish whether reporting requirements are to support possible implementation in the fall of 2008 and thereafter present the results to the Board of Selectmen for a policy decision.

Motion by: Michele Couture

Seconded by: Pam Parmakian

Yea 5 Nay 0

6C POLICE CHIEF SEARCH CONTRACT

BadgeQuest, West Yarmouth, MA

MOTION: Move that the Board of Selectmen vote to enter into an agreement between the Town of Provincetown and BadgeQuest Public Safety Consultants of 45 Sullivan Road, West Yarmouth, MA, in the amount of \$8000.00, for consulting services relative to the recruiting and selection of a Chief of Police for the Town of Provincetown.

Motion by: Austin Knight

Seconded by: Lynne Davies

Yea 5 Nay 0

6D TOWN MANAGER FOLLOW-UP

MOTION: Move that the Board of Selectmen vote to send a letter His Excellency Deval Patrick, Governor regarding the Flex Bus.

Motion by: Michele Couture

Seconded by: Austin Knight

Yea 5 Nay 0

With assistance from DPW Director David Guertin, an RFP for a Cell Tower has been put out and due on

February 14th. Austin Knight – Will I get an answer to my question that night about interference of a wind turbine of a Cell Tower – if there is any? Answer – That is part of the response back from the individuals who may respond to the RFP.

Massage Therapy now licensed by the State at a loss to the Town of Provincetown \$11K.

Truro is willing to help us with delinquent water bills. Approximately \$35K

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of November 14, 2007 as amended.*

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

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

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of November 26, 2007 as amended.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of: November 28, 2007 as amended.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 10, 2007 as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 13, 2007 as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 17, 2007 as printed.*

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

8. **CLOSING STATEMENTS**

Lynne Davies – None **Austin Knight** - None

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

Michele Couture – Reconfiguring of parking at the playground. Can you give me a follow-up on it. I'll talk to you about it later.

Motion to adjourn by Michele Couture at 10:35 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
January 15, 2008