

**TOWN OF PROVINCETOWN
BOARD OF SELECTMEN**

REGULAR MEETING – MONDAY MARCH 24, 2008

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the meeting at 6:50 PM noting the following Board of Selectmen attending: Mary-Jo Avellar, Michele Couture, Austin Knight, and Lynne Davies

Other attendees: Town Manager Sharon Lynn, Asst. Town Manager David Gardner, Municipal Finance Director Alix Heilala

The following are meeting minutes, in brief.

1A PUBLIC HEARING: TOWN HALL RENTAL REGULATIONS AND FEES

Mary Jo Avellar opened discussion with statement that as of today we have received news from the McGinley Kalsow that Town Hall is unsafe for Town Meeting and that we will move Town Meeting to the High School.

Sharon Lynn noted that McGinley Kalsow considers the structural issues urgent and that auditorium capacity should be reduced from 420 to 210, 15' from each side should be closed to the public in addition to the side and rear balconies. They recommend that a considerable amount of construction be initialized by the end of 2008 and that we not hold Town Meeting in the building or any other events that have been booked.

In addition McGinley Kalsow advised that funding needs to be put into place by the end of the year, if not, they recommend that Town Hall be closed.

Mary Jo Avellar asks if anyone here would like to speak to the fee issues:

Public Comments on Town Hall Rental Regulations and Fees:

1. Katherine Baltivik – Katherine asks if fees will be raised and will Town Hall be open for events.
2. Terry Catalano- Terry states that he thinks the fee increases are unfairly targeted to for-profit businesses.

PUBLIC PORTION OF MEETING CLOSED BY Mary Jo Avellar.

MOTION: *Motion that the Board of Selectmen specify that there should be no use of Town Hall auditorium based on MK report.*

Motion by: Michele Couture **Second by:** Lynn Davies **Not voted on.**

Discussion ensued. MC withdraws her motion.

MOTION: *Motion that the Board of Selectmen instruct the Town Manager to have staff notify people in writing who have already booked the auditorium that we cannot accommodate their events for public safety reasons. In addition, a report is requested from the Building Inspector as to safe capacity of the auditorium by the April 14th Board of Selectmen's meeting.*

Motion by: Michele Couture **Second by:** Austin Knight **Yea 4 No 0**

David Guertin recommended that the Town seek a 2nd opinion on the severity of the report from McKinley Kalsow. He also added that interstitial columns may be considered as a viable option for repair.

MOTION: *Motion that the Board of Selectmen take no action on Town Hall Rental Regulations and fees.*

Motion by: Austin Knight Second by: Lynne Davies Yea 4 No 0

MOTION: *Motion that the Board of Selectmen take no action on obtaining an Annual Entertainment License for Town Hall.*

Motion by: Austin Knight Second by: Lynne Davies Yea 4 No 0

1B PUBLIC HEARING: RECYCLING AND RENEWABLE ENERGY COMMITTEE

Mr. Michael Leger, Chair of the Recycling and Renewable Energy Committee introduced the newest member of the Committee: Ms. Jane Donoghue. There was no quorum at the meeting. Mr. Leger says that the response to the mailing included in the Town Census was very positive and that the Town seems to support the idea of alternative energy sources being investigated.

Michael deferred to Maggie Downey of the Cape Light Compact, who had a presentation about the Cape Light Compact and the Cape & Vineyard Energy Co-op. Maggie explained the very complicated structure of the Co-op in the most simplistic terms possible. She stressed that this is an option for long term energy savings. It is also financially a risky endeavor, which should be thoroughly discussed when and if the Town decides to consider such an option.

2. PUBLIC STATEMENTS

George Bryant- George complimented Maggie Downey on her presentation. He also advised that we as a Town consider combining services with other towns on the Cape. He says we are the only town on the Cape which does not do this and that we also have the highest cost for government/schools per capita ratio of any town on Cape Cod. “We think we are an island between Truro and Plymouth, and we are not.”

Rick Murray- Rick said that he wanted to address the overpayment of Sewer Betterments and User fees. He never expected a check for \$20,000.00 but he would liked to have seen the Board of Selectmen be more courteous and perhaps have given a credit to those who ended up paying for Town Owned buildings in error. Rick went on to advise that in preparation for this years Town Meeting the Board of Selectmen prepare information regarding the overrides sought in the Warrant in which the citizens are advised as to approximately how much they would be paying for each override they are voting on.

Candace Nagle- (Mary Jo Avellar excused herself from the meeting) Candace advised the Board of Selectmen that the Town barge should not have been purchased as she has stated previously because our small barge cannot drive the heavier green heart piles. The oak piles should not be replaced with oak piles, but with green heart piles which last 40 years vs. the oak piles which need to be replaced every 8-10 years. The cost of replacing the oak piles four times is \$660,000.00 plus the cost of the barge, labor, etc. The cost of replacing the oak piles with green heart piles is \$450,000.00 and the job would be contracted out. Candace also did a budget comparison between the Town of Falmouth and the Pier Corporation budget. Falmouth with 13 more harbors, 8 more piers, and 50 more miles of coastline in addition to responsibility for the Town Marina has a budget of \$619,000.00, while the Pier Corporation budget is \$572,000.00. “Our Harbor Masters budget is not in line with other Cape Cod Harbor budgets.”

Barbara Rushmore: Barbara requested that the Board of Selectmen support her ATM article 28, a 1% real estate transfer fee tax with income going into the General Fund.

Carrie Patterson: Carrie took offense to the 5 minute speaking limit. She feels that overrides are the result of the Board of Selectmen not wanting to make the decisions themselves. Carrie also suggested that we grant free parking permits to week long visitors as a way to increase town income.

Mr. Silva: Mr. Silva asked the Board of Selectmen to consider having 1% transfer fee tax apply only to properties that turn over in a short time period vs. long term residents who sell after owning for many years.

2. SELECTMEN STATEMENTS:

Lynne Davies – Lynne Davies asked about the current dog leash law which prohibits dogs running free on the

beach at specified hours due to rabies issues. She asks if this law needs to continue as there have been no new rabies cases in Provincetown in two (2) years. Sharon Lynn added that she has talked to the Health Inspector Brian Carlson, about this issue and he informed her that this is a county regulation that will continue probably for the next year.

Austin Knight – (Mary Jo Avellar excuses herself) Austin Knight addresses his statement to Candace Nagle saying that there will be a review of the Pier Corp. and the Harbor Masters' contract this year.

Michele Couture - No statement.

Mary-Jo Avellar - No statement.

4. APPOINTMENTS – ANIMAL WELFARE COMMITTEE

Motion: *Move that the Board of Selectmen appoint Barbara Murphy as a regular member of the Animal Welfare Committee with a term to expire December 31, 2009.*

Motion by: Lynne Davies **Seconded by:** Michele Couture **Yea 4 Nay 0**

Sharon Lynn makes a motion that the Board of Selectmen take articles out of order.

MOTION: *Move that the Board of Selectmen vote to take articles out of order.*

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

5E TREASURERS 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 \$5,728.25 from the Library Building & Gift Fund to pay for the attached invoice(s).*

Motion by: Michele Couture **Seconded by:** Lynne Davies **Yea 4 Nay 0**

6B DISPOSITION OF TAX TITLE PROPERTIES HELD BY TOWN- TREASURER

Alix Helalia and Linda O'Brian presented a list to the Board of Selectmen of Tax Title properties held by the town.

Michele Couture commended them on presenting a much diminished list from prior years.

5D 83 SHANK PAINTER ROAD

MOTION: *Move that the Board of Selectmen vote to approve the affordable housing restriction as drafted.*

Motion by: Michele Couture **Seconded by:** Lynne Davies **Aye 4 Nay 0**

5A1 PARADE PERMIT REQUEST: PORTUGUESE FESTIVAL SATURDAY, JUNE 28, 2008

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: "To share the heritage and culture of the Portuguese community", to be held on June 28, 2008 from 3 pm to 5:30 pm.*

Motion by: Michele Couture **Seconded by:** Lynne Davies **Aye 4 Nay 0**

5A2 PARADE PERMIT REQUEST: BLESSING OF THE FLEET SUNDAY, JUNE 29, 2008

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 Blessing of the Fleet", to be held on Sunday, June 29, 2008 from 12 pm to 12:45 pm.*

Motion by: Michele Couture Seconded by: Austin Knight Aye 4 Nay 0

5C A DISCUSSION ON TRASH PICK-UP

Discussion ensued. No motion voted on.

5B FOLLOW UP TO SEWER BETTERMENTS FOR TOWN-OWNED BUILDINGS- SELECTMAN KNIGHT

Discussion Dependent

5E 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 use of \$5,728.25 from the Library Building & Gift Fund to pay for the attached invoice(s).*

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

6. TOWN MANAGER/ASSISTANT TOWN MANAGER

None.

6A PAMET LENS OVERSIGHT GROUP – UPDATE

PLOG UPDATE.

6C INSERT BALLOT QUESTIONS- MAY 6, 2008 TOWN ELECTION

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 59, §21C (g) to insert ballot questions onto the May 6, 2008 Town Election ballot as specified in Attachment A.*

ATM Article 2a. **Ballot Question**

Shall the Town of Provincetown be allowed to assess an additional \$153,000 in real estate and personal property taxes for the purpose of providing curbside collection of solid waste and recyclable materials for Town residents for the Fiscal Year beginning July 1, 2008?

ATM Article 2b. **Ballot Question**

Shall the Town of Provincetown be allowed to assess an additional \$63,594 in real estate and personal property taxes for the purpose of supplementing the operating budget of the Town as voted under Article 2b of the warrant for the 2008 Annual Town Meeting for the fiscal year beginning July 1, 2008?

ATM Article 2c **Ballot Question**

Shall the Town of Provincetown be allowed to assess an additional \$106,340 in real estate and personal property taxes for the purpose of funding a 3% raise for all AFSCME Town employees and all other full time non union personnel of the Town as voted under Article 2c of the warrant for the 2008 Annual Town Meeting for the fiscal year beginning July 1, 2008?

ATM-Article 6 **Ballot Question**

Shall the Town of Provincetown be allowed to assess an additional \$50,000 in real estate and personal property taxes for the purposes of maintenance and repair of streets and sidewalks for the Fiscal Year beginning July 1, 2008?

ATM-Article 7 Ballot Question

Shall the Town of Provincetown be allowed to assess an additional \$50,000 in real estate and personal property taxes for the maintenance and repair of drainage structures for the Fiscal Year beginning July 1, 2008?

ATM Article 22 Fireworks Override Ballot Question

Shall the Town of Provincetown be allowed to assess an additional \$78,000 in real estate and personal property taxes for the purpose of funding the cost of fireworks and other costs associated with the July 4th celebration for the fiscal year beginning July 1, 2008?

Motion by: Michele Couture Seconded by: Lynne Davies Yea 4 Nay 0

6D FILL SELECTMEN VACANCY, SPECIAL TOWN ELECTION (MGL C.41, §10)

MOTION: *Move that the Board of Selectmen vote as follows: File with the Town Clerk notice of a Special Election to be held on June 3, 2008; and to place a ballot question under MGL C.41, §10 to replace the unexpired term vacated by Pam Parmakian upon her resignation as a Selectman on March 20, 2008.*

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

7. CLOSING STATEMENTS:

Austin Knight - None **Michele Couture** - None

Lynne Davies - None **Mary-Jo Avellar** - None

Motion to adjourn by Michele Courture.

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Minutes transcribed by: Suzi Fults
April 2, 2008