

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, FEBRUARY 13, 2006

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6 PM noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Michele Couture, Richard Olson, David Nicolau. Sarah Peake arrived at 6:10 pm.

Other attendees: Town Manager Keith Bergman, Acting Asst. Town Manager Michelle Jarusiewicz

Recorder: Vernon Porter

The following are meeting minutes, in brief.

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1. MacMILLAN PIER TRANSPORTATION CENTER

Feasibility Study – Update – Clay Schofield; Parsons Brinckerhoff

Cape Cod Commission Transportation Planner, Clay Scholfied introduced transportation consultants from Parsons Brickerhoff Quade & Douglas, Inc. along with member of the Provincetown Transportation Steering Committee. And then gave a brief update and mentioned that this is a placeholder for Congressman Delahunt to bring to Washington for presentation.

John Weston from Parson Brickerhoff Quade & Douglas, Inc. gave a presentation and update on the two sites for the Transportation Center. (See attachment #1 as a sample of what the Center may look like.) -- with an estimate cost of between \$2.8 and \$3.9 for Land location cost and between \$4.5 and \$6.3 for Water location. The Provincetown Transportation Steering Committee prefers the Water location.

Open discussion ensued. Sarah Peake recommended that the Harbor Committee be involved in this project and that a packet be put together and given to them.

MOTION: Move that the Board of Selectmen vote to have the Town Manager draft a letter to Representative Delahunt in support of a Transportation Gateway.

Motion by: David Nicolau ..

Seconded by: Sarah Peake

Yea 5 Nay 0

2. PUBLIC STATEMENTS

Barbara Rushmore - Re: Transportation Center – recommend that if does come to fruition that the Board make sure that it is staffed with a person of authority to prevent vandalism, etc. Does not agree with this project and strongly object to anything that may be built on the Waterfront.

Rex McKinsey – Issues around the pier. South Floating docks – 48 ft of the concrete dock section has been damaged. Where most of the year-round fleet are kept they are having some problems associated with the wave-forms that are going through there ... stresses are causing damage to the docks, the wiring and the gang way itself. Working with town staff and the tenants and have received potential ideas from the fishermen in terms of how to remediate this so we can be solved this issue as opposed to repairing it. Will be bringing this forward to you in a couple of weeks and will let you know more about it as time goes on.

Board took a recess at 7:15 pm and reconvened the meeting at 7:18 pm

3. SELECTMEN'S STATEMENTS

Michele Couture

Washington Street landing – is this going to be on the warrant? Keith Bergman – I have not had a discussion of the Department Head who requested that, so I don't know. Michele - Can we ask the Town

Clerk if he plans on doing anything with this? Answer - Yes

MOTION: *Move that the Board of Selectmen vote to instruct Staff to have the poles located on Town Property at the Corner of Washington Street and Commercial Street removed.*

Motion by: Michele Couture **Seconded by:** Sarah Peake

Discussion ensued then Sarah Peake withdrew her second. Motion does not pass.

MOTION: *Move that the Board of Selectmen vote to have Staff send a letter to the owner of the property at the Corner of Washington Street and Commercial Street to attend the next Board of Selectmen's meeting on February 27, 2006, if possible, to discuss the installation of poles on town property.*

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

With reference to letter from Steve Tait – re: Beach Cleanup - who is responsible to clean up the property at the beach? Sandy Turner – Volunteer groups have been used in the past. Chief Meyer – groups from the Sheriff's office are available as well and we are working with the Harbor Committee on this. Kerry Adams - Harbor Committee is currently addressing this issue and we are trying to be more pro-active and see if we can get more cleanings done.

MOTION: *Move that the Board of Selectmen vote to instruct Staff to send a letter of thanks to Pauline Richmond our Red Cross volunteer for all the work she has done as the Town's Representative to the American Red Cross.*

Motion by: Michele Couture **Seconded by:** David Nicolau Yea 5 Nay 0

Thanks to the DPW and our Police Departments for all their efforts during the recent storm.

MOTION: *Move that the Board of Selectmen vote to invite Maggie Downey and Joe Lynn Holt from the Cape Light Compact to attend a future meeting with the Board of Selectmen to discuss NSTAR.*

Motion by: Michele Couture **Seconded by:** David Nicolau Yea 5 Nay 0

Richard Olson

Statement - Having been away for two weeks on a well earned vacation, I came back and was catching up in the Banner on what has been going on in my absence and the only good news that I saw was that the cat 'Ohio' is home. Aside from that reading the letters to the editor in the Banner it struck me that some of my fellow townspeople have been getting on each others nerves on a number of subjects, if not at actually each others throats. It seems to me that there has been just a whiff at the aroma of tar and feathers in the air on a number of subjects. I'm very disappointed and this no kind of a homecoming. From my perspective and reading of Provincetown history from Mary Heaton Vorse down to Peter Manso, many of these tensions are cyclical in our history from early settlers and newcomers, to people of modest income and more affluent, parents and non-parents, gay and straight and gay friendly and phobic and phobo-phobic. We've seen every permutation of this and I guess it's what we call "the fabric of our community". These things cut in fault lines and when they come together it's like a perfect storm and I just feel that there is tension in town, I wish we could deflate it. Underlying it I think is the dismay we all feel at the erosion of what we perceive as our year-round economic vitality and the bleeding away of year-round population. Happily, in reading the letters to the Banner I also have read some that have expressed wonderful good sense and goodwill and I think the best I read was by our Chairman Dr. Andrews a couple of weeks ago. Coming home refreshed and relaxed all I can say for myself is that I am going to take deep breath and harken to the counsels of goodwill and good sense that I am glad to hear and start a-fresh on the hard work that is ahead of us.

David Nicolau

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Eric Day for his years of services while on the Historic District Commission.*

Motion by: David Nicolau

Seconded by: Sarah Peake

Yea 5 Nay 0

Sarah Peake

.. In response to David Nicolau comments re: Laundromat. I think some of the confusion over the laundromat – at our last meeting I asked our DPW Director if the RFP had a requirement that the laundromat be open year-round ... and he read the wording in the RFP that requires a minimum of 12 hours a day, 6 days a week, during Memorial Day to the week following Labor Day time period with reduced hours after that. And I asked the question if by reduced hours that meant that you could go down to one or two days a week. There wasn't an answer to that but I was assured by Mr. Guertin that in a subsequent meeting that they were having with the responder to the RFP that the issue of year-round hours would come up and we would get clarification on that.

Re: Pier Manager's comments on the pier damage ... I'm interested in what the procedure is going to be from here. Will the PPPC be developing a series of recommendations and bringing those back to us or developing recommendations and will you just be following through on those? What comes next and how does that work?

Rex McKinsey – what comes next is to discuss our options that are available to us and then passing those around for public comment both within the Board of Directors our tenants and yourselves. How we proceed from that will be up to the policy makers.

Thanks for your prompt report and your emails on this subject that we received over the weekend and your presence here this evening.

EDC MCC Adams Grant Award - \$40K - Thanks and congratulations to Michelle Jarusiewicz for all her work and also to the participants and various stakeholders who contributed to this grant application.

Cheryl Andrews

Hope you will take the time to a look at the Annual Town Report this year.

Thank you Richard Olson for your comments.

Rex, appreciate all that you do.

4A BOARD OF SELECTMEN APPOINTMENTS

MOTION: Move that the Board of Selectmen vote to appoint Marcene Marcoux as a Regular Member of the Historic District Commission representing the Chamber of Commerce with a term expiring December 31, 2006.

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to appoint James J. Meads as a Regular Member of the Insurance Advisory Board representing Retirees for an indefinite period.

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

MOTION: Move that the Board of Selectmen vote to send a letter to Chief James Meads for all the hard work he has done in getting the Town group health subscribers to switch to lower cost plans.

Motion by: David Nicolau

Seconded by: Sarah Peake

Yea 5 Nay 0

4B APPROVAL OF TOWN MANAGER'S APPOINTMENT

MOTION: Move that the Board of Selectmen vote to appoint the Town Manager's appointment of Susan Miriam to the Disability Commission for a term expiring December 31, 2008, pursuant to MGL. C.40,§8J.

Motion by: David Nicolau

Seconded by: Sarah Peake

Yea 5 Nay 0

5A CCNS GMP IMPLEMENTATION ADVISORY COMMITTEE

Comments on NPS Draft Management Policies

MOTION: *Move that the Board of Selectmen vote to submit to the National Park Service comments prepared by the Cape Cod National Seashore General Management Plan Implementation Advisory Committee relative to the National Park Service Management Policies Draft 2006; with the footnote to be added by John Thomas.*

Motion by: David Nicolau **Seconded by:** Sarah Peake Yea 5 Nay 0

5B PPPC: HARBOR REGULATIONS

Schedule Public Hearing on Proposed Amendments

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing for Monday, March 13, 2006 at 6 p.m. on proposed amendments to the Harbor Regulations recommended by the Provincetown Public Pier Corporation's vote of January 26, 2006, and the Harbor Committee on February 8, 2006.*

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

David Nicolau recused himself and left the room as both applicants are clients of his.

5C BOARD OF HEALTH

Administrative Consent Orders 27 Winthrop St., & 12A Pleasant St.

MOTION: *Move that the Board of Selectmen vote, pursuant to its vote on July 25, 2005, to approve the Board of Health to enter into Administrative Consent Orders for septic system repairs for (1) 27 Winthrop Street and (2) 12A Pleasant, as voted by the Board of Health on January 19, 2006.*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 4 Nay 0

David Nicolau returned.

5D VISITOR SERVICES BOARD

Fine Arts Work Center Co-op Marketing Grant Agreement

MOTION: *Move that the Board of Selectmen vote to approve the Visitor Services Board's recommendation for a \$5,000 cooperative marketing grant agreement with the Fine Arts Work Center to purchase a minimum of 46 radio spots on Boston radio station WBUR during April 2006 to promote the shoulder season workshops in creative writing and visual arts at the Fine Arts Work Center.*

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

David Nicolau recused himself as he is a direct abutter.

5E 48B BRADFORD STREET – ASSENT TO APPROVAL OF PLAN

November 7, 2005 Special Town Meeting Article 11

MOTION: *Move that the Board of Selectmen vote, pursuant to Article 11 of the November 7, 2005 Special Town Meeting to execute an Assent to Approval of Plan for 48B Bradford Street as drafted by Town Counsel and accepted by the property owner's attorney.*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 4 Nay 0

David Nicolau returned.

5F GRANT ADMINISTRATOR

Mass. Cultural Council Grant Award - \$40,000 – Cultural Tourism

MOTION: *Move that the Board of Selectmen vote to authorize execution of a grant agreement in the amount of \$40,000 from the Massachusetts Cultural Council under its Adams Arts Program for a project to stimulate cultural tourism in Provincetown through Provincetown's Path to Culture including design for a streetscape path, virtual cultural center, and starburst packaging.*

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

6A1 2005 MCDBG – WATER TANK REHABILITATION

Award Contract - \$433,350 Amstar of Western New York

MOTION: *Move that the Board of Selectmen vote to approve and execute a contract with Amstar of Western New York in an amount not to exceed \$433,350 for construction services for the Winslow Street Water Tank No. 2 rehabilitation project funded by the Massachusetts Department of Housing and Community Development under its 2005 Massachusetts Community Development Fund program.*

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

6A2a SOUTH HOLLOW WELL-FIELD REHABILITATION

All Cape Drilling Change Order

MOTION: *Move that the Board of Selectmen vote to authorize change order no. 1 for rehabilitation of well #3 at South Hollow well field, in the amount of \$5,400 to the contract with All Cape Drilling for a total of \$21,600, to be funded with reprogrammed funds under the Town of Provincetown's FY 2004 Community Development Fund Grant program.*

Motion by: Sarah Peake **Seconded by:** David Nicolau Yea 5 Nay 0

6A2b SOUTH HOLLOW WELL-FIELD REHABILITATION

EPG Amendment \$15,900

MOTION: *Move that the Board of Selectmen vote to authorize amendment no. 1 to the contract with Environmental Partners Group in the amount of \$15,900 for a total of \$91,100, for engineering work for the South Hollow well field rehabilitation project to be funded with reprogrammed funds under the Town of Provincetown's FY 2004 Community Development Fund Grant program.*

Motion by: David Nicolau **Seconded by:** Sarah Peake Yea 5 Nay 0

6B CZM COASTAL POLLUTANT REMEDIATION

Engineering Contract – Stearns & Wheeler - \$25,200

MOTION: *Move that the Board of Selectmen vote to authorize execution of a contract with Stearns & Wheeler in the amount of \$25,200 for professional design, bidding, and construction supervision services in connection with the Provincetown Harbor Stormwater Assessment Project for Stormwater Mitigation-Phase II located at P-1 Outfall at the breakwater next to the Provincetown Inn.*

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

6C APRIL 3, 2006 ANNUAL & SPECIAL TOWN MEETINGS

Set Dates for Opening and Closing of Warrants

MOTION: *Move that the Board of Selectmen vote to open the Monday, April 3, 2006 Annual and Special Town Meeting warrants forthwith and to close them on Friday, March 3, 2006 at 5:00 p.m., in accordance with Charter §2-1-7.*

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

6D FY 2007 BUDGET CUTS

Schedule Special Board Meeting

MOTION: *Move that the Board of Selectmen vote to schedule a special board meeting for Tuesday, February 22, 2006 as Agenda Item #2 relative to FY 2007 budget cuts.*

Motion by: Michele Couture **Seconded by:** David Nicolau Yea 5 Nay 0

6E **CAPE COD NATIONAL SEASHORE - WATER**

General Agreement – Highland Center – NTAFB Wells

MOTION: *Move that the Board of Selectmen vote to authorize execution of a General Agreement between the Town of Provincetown and Cape Cod National Seashore (CCNS) relative to the provision of water by the Town to serve Highland Center at the former North Truro Air Force Station (NTAFS); and the provision by CCNS of the former NTAFS wells as a backup supply system in accordance with Director's Order 35A and the Organic Act of the National Park Service.*

Motion by: David Nicolau **Seconded by:** Richard Olson Yea 5 Nay 0

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

MOTION: *Move that the Board of Selectmen vote approve the minutes of January 9, 2005 @ 4:30 pm as printed.*

Motion by: David Nicolau .. **Seconded by:** Michele Couture Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 17, 2006 (Wastewater) as printed..*

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

MOTION: *Move that the Board of Selectmen vote to table the minutes of January 19, 2006 (Fiscal Summit).*

Motion by: Michele Couture **Seconded by:** David Nicolau Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 23, 2006 as printed.*

Motion by: David Nicolau .. **Seconded by:** Richard Olson
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 24, 2006 (Budget Mtg. #2) as printed.*

Motion by: Michele Couture **Seconded by:** David Nicolau
Yea 4 Nay 0 Abstain 1 (Richard Olson)

MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 6, 2006 as printed.*

Motion by: David Nicolau .. **Seconded by:** Richard Olson
Yea 5 Nay 0 Abstain Richard Olson/David Nicolau)

9. **CLOSING STATEMENTS**

Michele Couture – None **Richard Olson** - None **David Nicolau** - None

Sarah Peake – None **Cheryl Andrews** - None

9A/B **LAND NEGOTIATIONS/VALUE OF LAND & COLLECTIVE BARGAINING STRATEGY**

MOTION: *Move that the Board of Selectmen vote to go into executive session, pursuant to MGL C.39,§23B, clause 3 and clause 6 for the purpose of discussing land negotiations and the value of land; and*

for the purpose of discussing strategy with respect to collective bargaining and NOT to convene in open session thereafter. [Roll Call Vote]

Motion by: Michele Couture Seconded by: David Nicolau

Michele Couture – Yea Sarah Peake – Yea Richard Olson – Yea

David Nicolau – Yea Cheryl Andrews - Yea

Yea 5 Nay 0 Motion Passes

The board went into executive session at 8:56 pm.

Minutes transcribed by: Vernon Porter, Secretary
February 13, 2006