

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, JULY 24, 2006

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Sarah Peake, Michele Couture, Richard Olson, David Nicolau.

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

Recorder: Vernon Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING: CURB CUT [General By-Laws § 11-6-2]

172 Bradford Street onto Priscilla Alden Road

Public Comments

Austin Knight - spoke in support of applicant's proposal.

MOTION: Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §11-6-2, not to approve the request of John Spazzarini and Jim Cottone to establish a curb cut at the property located at 172 Bradford Street with the actual curb cut to be on Priscilla Alden Road (Assessor's Map 12-4-101).

Motion by: Michele Couture Seconded by: Richard Olson

--- Motion withdraw ---

MOTION: Move that the Board of Selectmen vote to reschedule this agenda item to the next regular scheduled meeting of the Board of Selectmen's on Monday, August 14, 2006.

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

1B ECONOMIC DEVELOPMENT COUNCIL

Streetscape Project – Award Contract – ICON Architecture, Inc - \$25,000

Here for two reasons. 1) See approval of contract. 2) Seek your engagement in what the future of Commercial Street might look like in the future.

Mr. John Shields of ICON Architecture, Inc. gave a slide presentation for the Town of Provincetown entitled Streetscape Improvements/Streetscape Path to Culture.

MOTION: Move that the Board of Selectmen vote to authorize award of a contract to ICON architecture, inc for the development of a Streetscape Plan for \$25,000 plus pre-approved expenses up to \$5,000 for a total of \$30,000 as funded under the Cape Cod Economic Development Council's Cape & Islands License Plate Small Grant and the MCC Adams Grant programs.

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

1C WETLANDS MANAGEMENT MASTER PLAN

Presentation: Stearns & Wheeler

Michael Fishman of Sterns & Wheeler gave a Wetlands Management Plan slide presentation followed by and open discussion with the Board of Selectmen. No motions made.

1D PTV DISCUSSION

Update

PTV Members Present:: Lou Ann Bowen, Patty Deluca, Eileen Kennedy, Elisa Brown, Chris Keochwoen

Cheryl Andrews – explained that we will try to set a goal this evening – and figure out how we can communicate with you and have a dialogue to figure out what you want to do. We’ve had discussions for over a year now asking the Board of Selectmen to get involved and we haven’t. Everyone involved in PTV has worked hard to bring PTV where it is today. Going through a growth cycle is exciting and scary at the same time. It’s time for PTV to have some structure. This is the discussion we were going to have with the Cable Advisory Commission (Advise the BOS on how money is spent.) As it stands now, we do not have a Cable Advisory Commission, therefore we need to have a short-term structure. The BOS can bring the Policy side to the table ... and you can do what you do best and that is to bring the PTV to the community – who have come to rely on you all.

People who may be interested in being short-term coordinator’s position should see the Town Manager starting tomorrow. This position will remain in effect until the CAC is up and running

Advertise for Cable Advisor Commission members.

2. PUBLIC STATEMENTS

Ben Thornberry - Read letter from Marjorie Conn of 476 Commercial Street – who is being evicted and cannot find affordable housing. (See attachment #1) Spoke on the purpose and goals of the Community Preservation Act. Would like to know since the conception of the Community Preservation Committee in September 2, 2004 – where has the money gone? What housing funds have been spent? How many households have been assisted? How many units have been developed? Said we could purchase the “Figurehead House” now – this is where twelve (12) people are being evicted. Other towns have taken CPA funds like Nantucket, Chatham, and Bedford - and created housing opportunities for their communities – our town hasn’t done that. The goals of the CPC have been shifted and they have not been doing what the people have asked for and we ask that the Board of Selectmen review the goals and the mission . (Copy of his comments attached. See attachment #2)

Austin Knight – Invite the previous speaker to Community Preservation Committee meeting tomorrow at 9 AM here at Town Hall to express his concerns. With reference to town owned buildings – if a town building is sold I will make a motion for those funds go into the CPC funds for the purchase of housing.

Rik Kapler – Spoke on parking spaces on Ryder Street and the three-hour limit and using the handicapped placard.

3. SELECTMEN’S STATEMENTS

Sarah Peake

My thanks to Mr. Thornberry for coming before us this evening. I’ve read in the newspaper and then have run into several people on Commercial Street that have described the situation – I’ve heard the number 25 maybe it’s 35 – however many it is, it’s too many. My initial reaction on hearing this is that this requires us to take some sort of drastic move and consider all of our options and put them on the table. It sort of like the levy limit, when we have a lot of space between the amount that you’re taxing and what the levy limit is, if the levy limit increases you spend a little more money each year than before – you really don’t notice it – but when you hit that levy level ceiling suddenly you have to manage every penny or you’re looking at an override situation. I feel that through the years as we have lost more and more of year-round population and year-round housing stock – in the past people were able to a shuffle and find a place to live – now that is no longer the possibility. There is little possibility of doing a shuffle and finding a place to live because the year-round rental housing stock has diminished to close to nothing. So I propose that we have a joint meeting with all parties who are involved and interested in the housing situation in this community -- Housing Authority, Local Housing Partnership, Community Housing Partnership, Community Preservation Committee and private developers who are in the business of developing affordable housing and have a brainstorming session and put all ideas out there and think about everything – whether it is the purchase of existing houses, temporary housing in town owned building that can be converted, temporary modular homes through lease agreements at campgrounds that are in the community. I don’t know what the answer is going to be but I think that we’re facing a crisis that has been brought to a head by the most recent

eviction.

MOTION: Move that the Board of Selectmen vote to convene a Housing Hearing for Tuesday, August 1, 2006 at 6 PM. to discuss 'Housing Crisis.'

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

Michele Couture

Water quality report – will wait until we get our full report.

Richard Olson

MOTION: Move that the Board of Selectmen vote issue a Proclamation and declare Sunday, August 6, 2006 as Pan Mass Challenge Day in Provincetown.

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

David Nicolau

Regarding Mr. Knight's comments in selling off one of the town properties and the monies going into housing. If and when the times comes and whatever we decide, I want to go on record that I have no problem with money going from a sale of a town owned building into affordable housing – but also for middle income because those are the ones that don't have funding. Middle income should be included in anything we do.

On the recent communication we received on the 'Mean high water mark – at some point I would like to have a discussion with the Harbor Committee on this.

Cheryl Andrews

First meeting since the Chief of Police convened the "No Place For Hate Committee" – I think clarity is critical and that we live by the golden rule in the end. I'm always happy when the town has a discussion about something important and I'm also very unhappy when somehow it gets to the press and is crafted into 'let create another story about Provincetown that we just don't need' and that is exactly what happened. And I promised myself tonight that I wouldn't let tonight's statements go by without sharing with the public, besides the fact that Michele Couture was inundated on WRKO Radio the night of that meeting for almost an hour she spent trying to run her store and be interviewed by a rather hostile talk show host. I listened to it, I taped it, and you all should be proud of Selectmen Couture. I was really impressed – you had class.

On the issue of segregated funds – I ask you all to think about it because it is going to get hotter and hotter now that we're near Prop 2 ½ . It's the oldest game in the book. The housing crisis is a problem, but wherever there is a dollar available there is also a competing interest for that dollar, and there is always a fight (it should be a thoughtful one) about whether the money goes in the general fund, to be spent by the taxpayers on town meeting floor, or to segregate it out. It's easy to say let's put it in a special dedicated fund so we don't use it for what – paying our staff? I guess we kind of need them, and in the end the Selectmen will have to craft a budget that goes to town meeting that may included plan on another override. I don't know how many in the next ten years, but once you get near the levy limit there out of routine. Sometimes it is better to have a heart-to-heart and put discussion and put an issue like housing or fireworks security on an override than it is to put staff pay or all the various services that we are obliged under the law to provide; the things that we do, trash pick-up, etc. So, before we have that discussion, and it's going to be brought up a lot in the next couple of years because money is tight and the fight is going to go on for dollars. I hope that we stay doing the way that we do, and that is putting it in the General Fund and let Town Meeting decide how to spend those dollars. I think there is going to be a lot of creative thinking on how to get money to put into the housing fund; one of them is the real estate transfer tax that Nantucket proposed. We're looking at a host of options. We will be looking at the tax rate carefully this winter - keeping in mind how we can help our year round residents.

4A BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Astrid Berg as an Alternate Member on the Economic Development Council with a term expiration date of June 30, 2009.*

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

5A AIRPORT COMMISSION

Approval of Landing Fees – MGL C.40,§22F

MOTION: *Move that the Board of Selectmen vote to pursuant to MGL C.40,§22F, to approve landing fees for Provincetown Municipal Airport adopted by the Airport Commission on July 19, 2006, as follows:*

Category 1: Single Engine Piston Aircraft, \$5.00

Category 2: Twin Engine Piston Aircraft / Piston Helicopters, \$10.00

Category 3: Single Engine Turbine Aircraft, \$15.00

Category 4: Twin Engine Turbine Aircraft / Turbine Helicopters, \$20.00

Category 5: Jet Engine Aircraft, \$25.00

A: Only two (2) landings in an hour period will be charged per aircraft all other landings within that hour period for that same aircraft will be exempt.

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

5B LIBRARY

Massachusetts Foundation for the Humanities Grant Application

MOTION: *Move that the Board of Selectmen vote to authorize the submission of a grant application for approximately \$5,000 under the Massachusetts Foundation for the Humanities grant program for the development and implementation of a 15-minute film regarding the Rose Dorothea replica and the Lipton Cup display.*

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

5C USE OF CHAPTER 90 FUNDS

Backhoe/Loader for DPW

MOTION: *Move that the Board of Selectmen vote to approve the use of \$105,000 in Chapter 90 Massachusetts Highway Funds for replacement of the Department of Public Works' backhoe/loader, as recommended by the Department of Public Works.*

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

5D PARADE PERMIT: CARRIE SEAMAN ANIMAL SHELTER

Pet Appreciation Animal Walk – Sunday, September 24, 2007

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Carol MacDonald on behalf of the Carrie A. Seaman Animal Shelter, to hold a "Pet Appreciation Animal Walk" on Sunday, September 24, 2006 between the hours of 1:45 PM and 2:45 pm.*

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

Cheryl Andrews recused herself as she is an abutter to an abutter.

6A SELF-HELP GRANT – 74 HARRY KEMP WAY

Grant Application to Division of Conservation Services - \$184,496

MOTION: *Move that the Board of Selectmen vote pursuant to Article 3 of the April 3, 2006 Special Town Meeting, to authorize the Town Manager, Open Space Committee and the Conservation Commission to prepare and submit applications to the Commonwealth of Massachusetts' Division of Conservation Services reimbursement programs, including the Self Help, Urban Self Help, and Land and Water Conservation Fund programs, for the FY '07 grant round for the Provincetown Theatre Foundation property at 74 Harry Kemp Way; and further, the Selectmen certify by said vote that the Chairman as the Chief Elected Official is authorized to sign the application and that the Town Manager is authorized to sign any contracts and provide any legal assurances and understandings to the Commonwealth regarding said applications and awards, and to serve as the Project Manager and primary local contact on matters relating to communications with the Division of Conservation Services regarding these applications, on behalf of the Town of Provincetown, and that his signature shall bind the Town regarding the intent of said documents.*

Motion by: David Nicolau **Seconded by:** Richard Olson Yea 4 Nay 0

Cheryl Andrews returned.

6B AFFORDABLE HOUSING DEED RESTRICTIONS

48 Race Point Road

MOTION: *Move that the Board of Selectmen vote to execute a Growth Management Bylaw Affordable Housing Restriction and Declaration of Restrictive Covenants with Race Point Road Realty Trust, Kenneth C. Weiss, Trustee, for one affordable housing unit at 48 Race Point Road.*

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

6C DOR TIMELINES GOAL

Update from Financial Officers

MOTION: *Move that the Board of Selectmen vote to*

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

Michele Couture left the room

7A EXECUTIVE SEARCH CONSULTANT SELECTION

Town Manager Search Process

MOTION: *Move that the Board of Selectmen vote to select Groux and Associates as the best proposal for executive search consultant services for the Town Manager search process, and to authorize the awarding of a contract therefore in the amount of \$10,650.*

Motion by: Sarah Peake **Seconded by:** David Nicolau Yea 4 Nay 0

Michele Couture returned

7B TOWN HALL PIANO

Update - Appraiser

MOTION: *Move that the Board of Selectmen vote to authorize Chair, Dr. Cheryl Andrews to execute a contract for technical assistance relative to the Town Hall piano, and to fund the services in the amount not to exceed \$250 from the Town Hall Auditorium Revolving Fund.*

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

8. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

None at this time.

9. CLOSING STATEMENTS

Michele Couture – None

Richard Olson - None

David Nicolau - None

Sarah Peake

Portuguese Festival asking for a waiver of Town Hall Rental Fee.- future agenda item .

Cheryl Andrews - None

10A EXECUTIVE SESSION

MGL C.39,§23B cl.6 and cl 3 and also

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 conducting strategy sessions in preparation for negotiations with nonunion personnel and NOT to convene in open session thereafter. [Roll Call Vote]

Motion by: Michele Couture Seconded by: Richard Olson

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 10:02 pm.

Minutes transcribed by: Vernon Porter, Secretary
July 25, 2006