

Mr. Latour described where all the parcels would be including Parcel B (32 acres) for the Care Campus. The town's goal is to transfer Parcel B to a non-profit to build the Care Campus. The way for us to do that is to express no interest in Parcel B during this canvassing round. Then it would move to a third round through DCAM where they would solicit RFP's for the use of that property. DCAM has a public hearing here on November 13, 2002 in Provincetown specifically for Site Y - (Parcel B 5.6 acres).

After the hearing on November 13, 2002 formal proposals are due on December 16, 2002 and the Determination of Need (DON) Application for the Nursing Home is January 2, 2003 and DCAM needs to issue a preliminary by then that the land can be used for that purpose. DCAM would then transfer that property to the Town by April 2003 and the Town would transfer the property to the non-profit for the Care Campus after that.

In terms of Open Space - it would be Parcels A and C through N that the Town would be expressing interest in - in this round of canvassing - and that totals just over 90 acres. That's 13 of the 14 Parcels. Those are appraised at \$252,900.00, and that appraisal is based upon the restricted use of that property. That would need an affirmative town vote at Town Meeting in April 2003. The funding source would be the Land Bank. Basically there is a borrowing capacity for the value of that property. In addition, the Provincetown Housing Authority is looking at 4 of the 14 Parcels or portions of 4 of those 14 Parcels for affordable housing. Those are all on the South Side of Route 6 - Parcels A,C,D and E.

Public Comments

Michael Bunn, Acting Chair of the Provincetown Housing Authority - (Disclosure: Abutter to an Abutter to Parcel A). PHA does intend to respond to the request for proposals issued by the DCAM. Parcels A,C,D and E potential uses for affordable housing. And recommend F thru N as open space. If any of the Parcels A,C,D and E - proves unfeasible then the PHA will recommend that they be used as open space.

Jonathan Sinaiko for the Water & Sewer Board. Before considering land for housing - W & S Resource Oversight Committee would want to look the impacts of the project first. W & S Board feels there would be a serious problem with water.

The following members of the public spoke on this matter urging the Board of Selectmen to uphold the vote of the citizens at the April 2002 Town Meeting to keep this land as open space.

Peter Sousa, (Read the letter from the Conservation Commission attached to this agenda item.), Rob Tosner, Ann Lord, Cheryl ?,

The following members of the public spoke on this matter urging the Board of Selectmen to uphold the vote of the citizens at the April 2002 Town Meeting to keep this land as open space.

Rob Tosner, Ann Lord, Cheryl ?, Dan Tower, Candace Collins-Boden, Betty Steele-Jeffers, Jonathan Sinaiko (as an individual), Bonnie North, Peter Sousa (as an individual), Sarah Turano-Flores from Zisson & Veara, Attorneys At Law, Neva Hansen, Donna Cooper, David Weeda, Eve Archer, Robin Evans and Celine Gandolfo.

Patrick Patrick also suggested that the Town pursue the use of condos that are vacant nine months of the year for affordable housing. Look into tax breaks for people who open their homes to year rounders.

Candace Collins-Boden - There is a huge concern about water. Suggest that the Board of Selectmen get together with Cape Cod National Seashore, Town of Truro and discuss things before any more building is done.

Chairman Avellar read the names of emails and letters to be entered into the record, totaling 28. (Attachment #1)

Board of Selectmen Comments

Sarah Peake - Want to thank everyone for coming this evening and their comments, emails, and chats on the street and to those who called her home.

The end goal has always been to secure Parcel B for the Care Campus and the remaining as open space - and that is what I've been pursuing on your behalf in my involvement with this property out on Route 6. There is no question that at tonight's vote I will honor the vote of Town Meeting.

I put a challenge out to many of you who have contacted me relative to the open space to join me in the pursuit of addressing affordable housing and affordable housing needs. We've had an ad in the Banner the last several weeks asking for participants in Affordable Housing Round Table and I ask you to join us in working on these issues.

Cheryl Andrews - Agree with all of you this evening. The Banner did not make 100% clear, in my mind, on this point. There was a vote two weeks ago taken by the Board that wasn't reported and that was the vote to hold this hearing. It was a 4/1 vote and I voted against the motion because in the motion to hold this hearing there was a directive given to our administration to examine the green belt State surplus land for possible use as Housing Authority land for development. I opposed that then and I oppose that now and it certainly is a pleasure to have some support in that position. It is not because I am against the Housing Authority being able to provide us some new units, it's just that I don't think this is the proper place for it.

Because of the conflict I have (my dad is a resident at the Manor), I have not participated as a Selectman with this Board's efforts to pursue that portion of the town meeting vote at last years Annual Town Meeting. I have not been part of the discussion process or the approach of the policy decision that has lead us to where we are today. But I will say that I am very disheartened to think that there has been any actions take by my colleagues or by the administration that somehow could end up with any of this surplus property being opened up to development of any kind. And I mean that from my heart, I am very upset about that. If, indeed, this Board does change its mind about how this property should ultimately exist and join me in my position, then I also hope you will join me in giving a new directive to our administrative, starting right away, to outline, an approach to seeing that a policy decision is respected and implemented. I will be happy to offer a motion during this hearing or during public statements. Certainly I cannot talk about Parcel C. But, in general if that becomes the rule of the Board, I think we need to talk seriously about what actions, including zoning articles or any articles at all that we need to take as a Board to implement this position, particularly since we've heard from the Housing Authority that they are outlining their position.

Michele Couture - Also would like to thank everyone for coming tonight. Would like to ask our Attorney Jeanne McKnight if she would clarify a point that was made earlier this evening about parcel 'B' and what would happen to the remainder of it. It was suggested that if it got through the 2nd round that in the 3rd round it would be up for grabs for public use ... if you could please clear that up.

Jeanne McKnight - DCAM (Division of Capital Asset Management) has been referred to through this hearing and, as you may know, that is the agency that deals with land that is owned by the State and goes through the surplus process. What is happening now is called the local agency polling. DCAM staff are doing their best to accommodate the Town and expedite the process of having Site Y be put out on a request for proposals for the development of the Care Campus that the Town Meeting did vote for. I met with the Attorney (Martha McMann) and staff person (Roberta Carney) of the DCAM on October 7, 2002 and we discussed this very issue. What we were told is that the DCAM is going to have a hearing in Provincetown on November 13, 2002 focused solely on Site Y and then would be putting a request for proposals out for Site Y, which the Town will be responding to. That is open for others to respond with respect to Site Y (the 5.6-acre parcel) as well. If the Town responds, it will be obliged to prepare a plan to divide Site B into two parcels - the 5.6-acre parcel and the remaining parcel of approximately 24 acres. DCAM attorney and staff said that there would be another local polling process, just like this one, with respect to the remaining portion of Parcel B. You might ask then, "Why doesn't the town simply respond to DCAM saying well we want part of Parcel B for Care Campus and part for conservation?" We were advised that that would slow down the process of the town being able to obtain Site Y through the expedited process that DCAM, in an effort to help the town, is using here. And we were promised by DCAM Attorney and Staff that it would be another opportunity for the town to respond with respect to the remaining portion of Parcel B once the town, itself, prepares that plan to create Site Y and the remaining portion.

Michele Couture - We had a meeting last week with The Housing Authority and I appreciate the position they are at in trying to find low and moderate-income housing. I know at that meeting, as Dr. Andrews has already alluded to, we had expressed obviously the town's interest in trying to create affordable housing. In that respect, I think all of us would probably agree that the town is hemorrhaging year round residents at an alarming rate and it's because of a lack of affordable housing. I would also agree with Ms. Peake in that, ultimately, what it comes down to in this decision, is that town meeting has already voted to support open space for these parcels. As much as I would be the first person to support affordable housing, in this instance, I would say that my support would be to maintain the open space for this property.

Richard Olson - I can endorse that sentiment. Before we move on I want to say a couple of things. I don't think that anyone should feel that there's been a slap at the voters. Nothing of the sort was ever intended by anyone around this table. We know what the town Meeting vote was, we know how it was taken and we know the procedure and the compromises that were made to come around to that point. However, the administrative proceeding that we found ourselves in with the State did open the land acquisition process up for other public agencies. The Housing Authority has its mandate, we elected them to look after the concerns that they are to look after, affordable housing. The fact that they did that and looked into it and wanted to discuss it with us - and we were willing to discuss it - I don't think it represents a slap. We listened to them and had a conversation - and here we are.

I want to echo everyone who said that Pat Patrick's comments were very apt and I want to assure everybody that certainly when I was on the Planning Board we worked very hard and wrestled with all the issues - including doing something about condo conversions. There is really not much you can do legally. There are many other creative things to pursue and I've mentioned a few in public, some of which has caused some scratching of heads, but certainly the Affordable Housing Round Table or task force that's going to be coming up is something anybody who cares about that issue ought to be volunteering for.

The final thing is, just to make clear, the comment was made both in a letter, which was very well expressed and in a comment that was made here about., 'how do we even have the authority to be going forward with the administrative process to acquire this land, even just for open space and the Manor, when the act didn't get passed. We're not in a position to abort our process here because we need that Determination Of Need for the Manor by a certain deadline. That has to happen. So, let us not undermine ourselves here. But, in fact, the vote that was taken at Town Meeting did not include only those provisions that were in the proposed act that didn't get passed. There were outside provisions of that vote that I believe Town Counsel feels are adequate to authorize what we are going forward with.

Jeanne McKnight - Yes, I do agree there was a vote to appropriate \$500K for the purpose of acquiring the so-called Site Y for the Care Campus. And that was very carefully spelled out as to what that purpose for the acquisition of that land would be, and I think that is sufficient to authorize the Selectmen to acquire that land for that amount of money should the State end up being willing to sell it for that amount of money. There will be an appraisal.

Mary-Jo Avellar - Like my colleagues, I thank you all for coming tonight. One of the things that maybe Mr. Olson was alluding to was, just because the State, the process town meeting voted to file legislation was thwarted didn't abrogate our responsibility to go forward to try and acquire the land for the Care Campus, knowing full well that we have to go back to Town Meeting this April. And that being said, I think you should know that having to go through this public process, as someone else said does not mean that we weren't mindful of our responsibility to the Town Meeting vote, which was clear. But I have to tell you, the town meeting vote, was equally as clear that the 5 acres should be acquired for the Manor. Everyone was talking tonight about a compromise, and I thought it was a good compromise - but, a compromise is a two-way street. As we are honor bound, to acquire that land for open space, I ask you too, to remember that the other part of that vote was to acquire the other 5 acres for the Manor. So, as we sit here tonight I am prepared to vote to acquire the balance of the land for open space. And I would be prepared on the 13th of November to speak to acquiring the balance of Parcel B for open space, but I'll be out of town on the 13th. Tonight, I will be prepared, along with the rest of my colleagues to vote in favor of acquiring the balance of the land - Parcels A and C through N for open space. I hope that everyone who leaves here tonight will leave here knowing that we haven't forgotten what we are required to do by your vote at Town Meeting.

But we haven't also forgotten that one of our primary goals, and we go through a goal setting process every spring following the election, has to been to try and find ways to create more affordable housing in Provincetown. So, I think we might have been remiss to at least not have gone through a process that we didn't miss anything what might have an opportunity to provide affordable housing. This turns out not to be the best solution but I think we had an obligation to go through that process.

MOTION: Move that the Board of Selectmen vote, relative to the availability for direct public use of 122.28 acres of surplus state property along Route 6 in Provincetown, to submit a proposal to the Division of Capital Asset Management as follows:

(1) for the Town of Provincetown to acquire, as open space purposes, all of Parcels A and D through N.

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

2) for the Town of Provincetown to acquire, as open space purposes, all of Parcels C . Total combination of all parcels is 90.39 acres.

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

2. PUBLIC STATEMENTS

Rachel White - Re: people who qualify for Title 5 program - 5% interest and the sewer get a 0% interest loan. Does not seem equitable.

Dan Tower - Re: Heritage Museum - read statement into record . (See attachment #29)

3. SELECTMEN'S STATEMENTS

Cheryl Andrews

MOTION: Move that the Board of Selectmen direct the Town Manager to devise and implement a strategy immediately that would result in the implementation of the Board of Selectmen's voted policy of keeping the remaining acres (all of the State Surplus 122.28 acres l minus 5.6 acres for the Care Campus) preserved in perpetuity as open space.

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

Mary-Jo Avellar left the room.

MOTION: Move that the Board of Selectmen request a report form the Town Manager regarding the situation at the Pier. Re: Hindu/Bay Lady, etc.

Motion by: Cheryl Andrews Seconded by: Michele Couture Yea 4 Nay 0

Mary-Jo Avellar returned.

Michele Couture

Just want to say to Mr. Guertin and the Robert Our Company that they are doing an incredible job. Well coordinated effort by all.

Richard Olson

Thank you to everyone who didn't call me last week.

Door closing at town hall - can this be fixed so that it doesn't bang?

Article in Cape Codder re: Brewster - Selectmen reversed selves on differential tax between full time and part time residents, and part-time residents pledged to help out the Town in return. I intend to follow, with great interest, what the seasonal homeowners in Brewster do to follow through on that and too keep us posted.

Sarah Peake

Compliment Mark Latour re: Cape Light Compact - on a stellar job and follow through on it in a timely way.

Memo from Keith to Tourism Director Patricia Fitzpatrick regarding the Room Tax Revenues - the town's share that has come in for FY 2002 for a total of \$963,897.00. Congratulations to VSB and Pat Fitzpatrick and. This represents a 13% increase over last year.

Parking revenues figures report from DMF - we are off by about 25%. Keith - We are only off about \$25K from last year not 25%. Sarah - I found this confusing, so maybe the report can be issued in a less confusing way so that we can read it and know what we are looking at it when we look at the budget.

Mary-Jo Avellar

Letter from Wellfleet Town Manager Larry Gallagher. He is suggesting that there should be some kind of Outer Cape Water Authority. I think we should send a letter to Mr. Gallagher and tell him that we have taken it under advisement.

Peter Sousa mentioned earlier tonight that the Conservation Commission having the right to acquire property. That has to go before a vote of Town Meeting? Keith - No and Jeanne can answer. There are two issues - not to confuse them. At one level it says that the ConCom has standing to put in a proposal to DCAM - and the absolute answer to that is No. The Town, as a political subdivision of the Commonwealth, the Board of Selectmen has made that policy conclusion. However, interestingly, now that you have made that policy vote on behalf of the town, we move to the statutes, which do authorize the ConCom to acquire property without a Town Meeting vote. Was talking with Peter Sousa out in the hallway and perhaps the strongest proposal we could put forth, and in fact even another avenue to address the issue Selectman Andrew raised, if the proposal of the ConCom is to acquire the 90 acres that you voted, absent the Town Meeting vote then you have the authority that the attorney for the Site Y abutters says you don't have. I think we can look at that strategy. ConCom does have the authority to acquire property. If there is consideration involved, and they don't have money, then that does require a Town Meeting vote. Mary-Jo - If somebody wants to give land to the ConCom, they can do that? Keith - If they wanted to donate land or if there were money in a fund that they could expend without town meeting vote. Mary-Jo - We don't have such a fund established yet - do we? Jeanne McKnight - if the ConCom already money appropriated to it by some prior town meeting to have in their Conservation Land Purchase Fund they would be able to purchase land without any further vote of town meeting. The ConCom may also accept gifts of land. But in that case they need the approval of the Selectmen but they do not need the approval of Town Meeting to accept gifts of land.

Another issue that came up tonight - trying to find creative ways to encourage people to rent more of their property out in a year-round basis. I think that Richard explained it really well. Condos are a form of property ownership, which you cannot regulate by by-laws at Town Meeting. Is there any way, once we get all these planners and people on board, that we can look again at this whole issue of how to encourage people to rent their property out on a more of a year-round basis?

Rachel White has asked about the sewer loans - can you answer that question. Keith - There are three categories of financing. We are giving people who hook up to the sewer a 0% loan because of the favorable rates under the State Revolving Fund Loan, and we agreed to pass that on. That means that if you're fortunate enough to hook up to the sewer then for the cost of your betterment assessment we will let you spread that out over 20 years and not charge an interest rate on top of that. So that is like a 0% loan. At the same time the other financing mechanism we have set up for people who are upgrading their septic systems, you can't do a 0% loan but there is a 5% loan program. Yes, that is unfair but those are the parameters of that program that been set up. It is also funded with SRF money but the County administers it for us and there is cost associated with it. It's a low interest rate of 5% which can be use for septic system upgrade and for those portions of sewer hook up costs that have to be born by the property owner and are not folded into the betterment assessment. The third category is for low and moderate income homeowners that for them we can get grants through Deferred Payment Loan - as good as a grant until you sell your property. Through an existing housing rehab program that was awarded to the region in which we participate but also the Community Development Block Grant application that we just submitted for \$700K includes a significant portion that would give these deferred payment loans that Michelle is talking about for low and moderate

income homeowners. So there's a menu of financial tools that are available but in the final analysis the 0% loan is only for the sewer hook up.

4A TED MALONE: COMMUNITY HOUSING RESOURCE, INC.

Support Affordable Housing for Meadows Hotel

Ted Malone and Michael Bunn from the Community Housing Resource Inc., gave a presentation on their project for the Meadows Redevelopment to be known as "Meadow Road" which will be a new neighborhood of affordable and market rate homes on the 5.4 acre site of the Meadows Motel on Bradford Street Extension in the West End of Provincetown.

4B GRANT AWARD: HDSP \$372,800

Housing Land Trust for Cape Cod - 40A Nelson Avenue

MOTION: Move that the Board of Selectmen vote to authorize execution of a grant agreement with the Department of Housing and Community Development, under its Housing Development Support Program, in the amount of \$372,800 for the Provincetown Heights Affordable Rental development, for the acquisition of 40A Nelson Avenue by the Housing Land Trust for Cape Cod to create six (6) affordable year-round rental housing units.

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

4C MDPH HIV/AIDS HOME HEALTH GRANT

FY 2003 Contract Amendments

MOTION: Move that the Board of Selectmen vote authorize the execution of the following contract amendments for the provision of services as outlined in the Town's grant agreement with the Massachusetts Department of Public Health for the period July 1, 2002 through June 30, 2003: (1) Increase by \$10,000 the FY 03 MDPH contract from \$161,765.20 to \$171,765.20; (2) increase by \$8,000 the FY 03 MDPH Homemaker contract from \$14,904.80 to \$22,904.80; and (3) increase by \$10,000 the subcontract with VNA of CC from \$98,000 to \$108,000.

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

4D BUILDING COMMITTEE

MacMillan Pier Change Orders: AGM, FST

MOTION: Move that the Board of Selectmen vote in favor of the recommendation of the Building Committee to approve Change Order No. 7 for the MacMillan Pier Construction contract with AGM Marine Contractors in the amount of \$87,273.20; and

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

(2) Move that the Board of Selectmen vote to approve Change Order No. 3 for the MacMillan engineering contract with Fay, Spofford & Thorndike in the amount of \$98,500.

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

4E REQUEST: ZONING BOARD OF APPEALS MEMBER

MGL Chapter 268A Exemption Requests

No action take.

5A **NON-PROFIT ANIMAL SHELTER**
Invite Proposals for Site at DPW Highway Property

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.30B, §16, clause (a) and Article 63 of the April 1, 2002 Annual Town Meeting, to declare the following Town-owned property as available for disposition subject to the restriction that subsequent use thereof shall be limited to a non-profit animal shelter for a lease of twenty (20) years, and to authorize the issuance of a Request for Proposals to qualified non-profits: an area of 75' x 100' (7,500 SF) having a structure, a pen and parking to be located in the southwest corner of a 5.6-acre parcel know as the Highway Garage off Race Point Road as shown on the concept plan developed by Environmental Partners Group dated October 2002.*

Motion by: Cheryl Andrews **Seconded by:** Richard Olson **Yea 5 Nay 0**

5B **SEWER SETTLEMENT AGREEMENT**
Compliance Update

Discussion ensued. No motions made.

5C **MUSEUM COLLECTION GOAL UPDATE**
Cultural Resources Team Report

MOTION: *Move that the Board of Selectmen vote to accept the report of the Cultural Resources Team relative to the Heritage Museum collection and the Cape Cod Pilgrim Memorial Association; and further action will require the explicit approval of the Board of Selectmen.*

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

5D **REORGANIZATIONS AND TRANSFERS**
Administration, MIS, Community Development

MOTION: *Move that the Board of Selectmen vote as follows:*

(1) to approve, pursuant to Charter §7-2-5(d), the Town Manager's appointment of Licensing Agent Greta Holman as Town Clerk;

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

(2) to approve, pursuant to Charter §7-2-3, the transfer of the Employee Benefits Management function as set forth in Administrative Directive 2002-04;

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

(3) to approve, pursuant to Charter §§7-2-2 and 7-2-3, the organization of the Information Systems Department as set forth in Administrative Directive 2002-05;

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

(4) to approve, pursuant to Charter §§7-2-2 and 7-2-3, the further reorganization of the Department of Community Development set forth in Administrative Directive 2002-06;

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

(5) to approve, pursuant to Charter §7-2-5(c), the Town Manager's appointment of Grant Administrator Michelle Jarusiewicz as Acting Assistant Town Manager.

Motion by: Michele Couture

Seconded by: Cheryl Andrews

Yea 5 Nay 0

6. **MINUTES OF MEETING**

MOTION: *Move that the Board of Selectmen approve the minutes of October 15, 2002 (Reg. Mtg) with changes so noted. (All Absent)*

Motion by: Michele Couture

Seconded by: Sarah Peake

Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen approve the minutes of October 21, 2002 (Special Mtg w/PHA) as printed. (All Present)*

Motion by: Cheryl Andrews

Seconded by: Michele Couture

Yea 5 Nay 0

7. **CLOSING STATEMENTS**

Cheryl Andrews - None

Michele Couture - None

Richard Olson - None

Sarah Peake - None

Mary-Jo Avellar - None

8. **LITIGATION STRATEGY**

Adams, et al. v. Town of Provincetown, et al [Clothing Optional Beach]

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 39§23B, clause 3, to go into executive session for the purpose of discussing strategy with respect to litigation; and [to convene/not convene] in open session thereafter.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 5 Nay 0

[Roll call vote]

Michele Couture - Yes

Richard Olson - Yes

Cheryl Andrews - Yes

Sarah Peake - Yes

Mary-Jo Avellar - Yes

Board went into executive session at 10:45 PM.

Minutes transcribed by: Vernon Porter, Secretary

October 31, 2002