

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, OCTOBER 26, 2009

LARKIN HALL

Chairman Michele Couture convened the meeting at 6:15 PM noting the following Board of Selectmen attending: Michele Couture, Elaine Anderson, Mary-Jo Avellar, Austin Knight, and David Bedard

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

Recorder: Vernon Porter

The following are meeting minutes, in brief:

1A PUBLIC HEARINGS - CURB CUT REQUEST - 2 CARVER STREET

Chairman Couture read the public hearing into the record.

Applicant: Attorney Jay Murphy spoke on behalf of Mr. John Spazzarini and gave an explanation as to why the applicant is reapplying for this curb cut at this time. Mr. Spazzarini is willing to take whatever steps necessary in order to make the curb cut possible.

Fire Chief Trovato – Feels that there is an imminent safety hazard. The proposal creates a blind driveway, plus the telephone pole, and having to back into neighbors driveway in order to make the turn.

Public Comments in Favor

Daniel Archambault – spoke in favor

Mark Schiffman – of 120 Bradford Street – spoke in favor

John Yandrisovitch - spoke in favor. Doesn't think this drive way is any more a safety issue than other driveways in Provincetown.

Inaudible - Don't think that the telephone pole would be an issue.

Dan Lear - Thinks that it would almost be physically impossible to hit the telephone pole. And he is willing to remove the gas tank makes that issue mute.

Barbara Steinberg - Urge the Board of Selectmen to approve the application.

Public Comments in Opposition - None

Chairman Couture read into the record the names of the emails and other correspondence that were received, and part of the agenda packet.

Austin Knight – Asked the Chief of Police for his comments. Reply - Felt it was not an imminent safety hazard.

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to:

a) Approve the request of John Spazzarini and Daniel Archambault to establish a curb cut at the property located at 2 Carver Street (Assessor's Map 7-2-171-0) (Res 3 Zone).

b) And further, to request that a certified plot plan be provided showing the actual location of the proposed curb cut.

Motion by: David Bedard Seconded by: Mary-Jo Avellar

Yea 4 Nay 1 (Michele Couture)

1B PUBLIC HEARINGS - NSTAR

Underground Cable and Conduit – 14 Howland Street

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Lee Bartell and Bill Dougal upon their retirement from their respective committees.*

Motion by: Mary-Jo Avellar **Seconded by:** Elaine Anderson Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to have the Board of Selectmen's Secretary prepare a list of Board of Selectmen's executive session meeting minutes that can be reviewed for release and to inform all other town board to do the same.*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 5 Nay 0

David Bedard

MOTION: *Move that the Board of Selectmen vote to send a letter of congratulations to the Town of Nantucket on becoming the top recycling community in the country.*

Motion by: Mary-Jo Avellar **Seconded by:** Elaine Anderson Yea 5 Nay 0

Elaine Anderson

Glad to see more people cleaning up their shrubs that are encroaching on town property, etc., on the End.

The graffiti artwork at the Skateboard Park is wonderful. Everyone should visit the site.

Michele Couture

MOTION: *Move that the Board of Selectmen vote to send a letter to Michelle Jarusiewicz congratulating her on the Town's high score for the Commonwealth Capital Application.*

Motion by: Mary-Jo Avellar **Seconded by:** Elaine Anderson Yea 5 Nay 0

4. APPOINTMENTS – None

5A CAPE COD WATER PROTECTION COLLABORATIVE UPDATE

Dr. Cheryl Andrews gave an update and overview report on the CCWPC since her last meeting with the Board of Selectmen. A lot of good work has been accomplished, but the commissioners would like to change the focus of the county's wastewater efforts from a county wide one to a more "one place at a time" approach, with the focus being on shared watersheds that require sewerage, and potentially a shared (regional) sewer.

CCWPC Executive Director Mr. Andrew Gottlieb – Was asked by the County Commissioners to give an overview on behalf of the County Commissioners. He suggests redefining the Collaborative as opposed to eliminating it ... reducing the current membership from 15 to 7. There is a process that has to be gone through before any changes are made. Nothing is a done deal at this point. Not much progress has been made in regionalization.

Cheryl Andrews – Recommends the rejection of the Committees recommendation to dissolve the Collaborative.

Open discussion ensued.

Austin Knight and Mary-Jo Avellar – are very much concerned over the loss of Provincetown's representation if the Collaborative is dissolved.

MOTION: *Move that the Board of Selectmen vote to send a letter to the CCWPC advising them that we are not comfortable with the Review Committees Report, and our concern that Provincetown will lose its loss of representation.*

Motion by: David Bedard **Seconded by:** Mary-Jo Avellar
Yea 4 Nay 1 (Michele Couture)

5B CONFLICT OF INTEREST LAW DETERMINATIONS (MGL C. 268A, §20)

MOTION: *Move that the Board of Selectmen, vote pursuant to MGL C. 268A, § 20, make the determination that the financial interest of appointee Ronald White is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen, vote pursuant to MGL C. 268A, § 20, make the determination that the financial interest of appointee Paul Silva is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 5 Nay 0

5C1 TREASURER'S TRANSFER - John Anderson Francis Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$21,400.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 5 Nay 0

5C2 TREASURER'S TRANSFER - Captain Joseph F. Oliver Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$14,400.00 from the Captain Joseph F. Oliver Scholarship Fund for the payment of scholarship(s).*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 5 Nay 0

6A TOWN MANAGER FOLLOW-UP

Town Hall rehab going well. Sound system bid for auditorium is under review.

Cape Light Compact reviewed lighting plans, and awarded the town \$75K for new energy efficient lighting.

Limited Holiday lighting will be made available if VSB want to decorate.

Hope to have a briefing of Comcast negotiations. Comcast negotiations is scheduled for a public hearing on the Board of Selectmen's agenda on November 23rd.

November 10th – meeting with Truro Board of Selectmen @ 5 PM in Truro.

6C OTHER - None

7. CLOSING STATEMENTS

Austin Knight – Follow-up on rental certificate program.

David Bedard - None **Mary-Jo Avellar** – None

Elaine Anderson – None **Michele Couture** – None

Motion to adjourn by Mary-Jo Avellar at 9:00 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
November 19, 2009