

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, FEBRUARY 25, 2008

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the meeting at 6 PM noting the following Board of Selectmen attending: Mary-Jo Avellar, Michele Couture, Austin Knight, Pam Parmakian, 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 – JOHN ANDERSON FRANCIS FAMILY SCHOLARSHIP

Eligibility Criteria

MOTION: Move that the Board of Selectmen vote to take no action.

Motion by: Michele Couture Seconded by: Austin Knight **Yea 5 Nay 0**

1B JOINT MEETING: COMMUNITY HOUSING COUNCIL

Housing Needs Assessment Update

Open discussion ensued. No motions made.

2. PUBLIC STATEMENTS

Peter Paige - A lot of questions and rumors going around about the fees that we are paying at the Building Department. Would like to know if they are legal or not? Were they advertised correctly? Department of Revenue stipulates the procedures for increasing fees .. does Provincetown meet the criteria? – would like this clarified.

Barbara Rushmore – Everything has gone up – but how can the town operate on the 2 ½ % - it can't. I don't want to see jobs and services taken away. I will put an article in the town meeting that I would like see when people sell property in Provincetown, Commercial or Private Homes that we get a 1% transfer fee.

Would like to see the streets paved. It's a disgrace to have the Town looked rundown. It doesn't help us with tourist or with our own moral. If we don't do something at this town meeting, it won't happen until 2010. I think we can do it without outside experts – we can use our own experts in DPW, and I am willing to help myself.

Terry Catalano - Urge all of you that when 6B comes up regarding the use of Town Hall – Fee Increase, I urge you to vote against it. I don't think there was a lot of thought put into it with regards to the different types of renters. It would spell the end of Outer Cape Auctions ever doing an Auction here in Town Hall again – meaning that Town Hall would lose its biggest renter as you would be quadrupling the rent and just too much of a hardship.

Amy Germain – 1) Mr. Bergman played politics with the Schools. The Gyms that we have here is unaccountable in Town. It breaks my heart to hear any lip service that we might close the schools. We need to do everything we can to fight against this. 2) Need people to serve on the Zoning Board. However, I do not agree with eliminating Term Limits.

AJ Alon – Heard that there might have been a joint meeting with the majority of the Board of Selectmen and another committee last night talking about future articles, and if so, why wasn't it advertised and what articles were talked about?

Brian Green - As Chairman of the Provincetown Housing Authority – no, our list is not closed, and we are taking names. I encourage you to advise the Community Housing Council to be very aware of the Condo Conversion Laws. I do not agree with the John Ryan Report. I think it is way out of date. We need some

actual numbers of how many people who live here know who needs year-round housing.

3. **SELECTMEN STATEMENTS**

Lynne Davies

Having to do with the fees for town hall: This has come up at an earlier meeting, and our Assistant Town Manager is looking at the fees to make sure they are consistent with cost. We may find out that they are not consistent, and they are too low .. we shall see.

The meeting that happened last night was a MY PACC meeting, and a couple of Selectmen chose to show up and listen. Not to participate, but to listen. What MY PACC wants to do is come up with Article for the Warrant, and to do it in a concise, organized manner. It was an educational process on how to write an article. No big deal.

Mary-Jo Avellar – They passed around a paper where they wanted people to rate their priorities of articles they wanted to add to the warrant. None of us participated in that. None of us participated in going into any of the groups that sat down to write articles. Once they decided what those groups we going to be, none of us went. It was considered a chance social occasion, and we're allowed to appear in restaurants, or have a singing group as we did once upon a time, or whatever it is an open public meeting .. not our meeting. It's legal. We've been to the Attorney General over this. We did not participate in the drafting of articles. We did not rate any of the items that MY PACC did. We did not turn in any sheets with the count, I brought mine home with the count, as I copied Austin's, as he kept count as to how many people wanted to do how many whatever things there were. That was it.

Lynne Davies – It was an information session for me. That's all.

Lastly I just want to share with you that while I was out visiting my grandkids, the Seattle _____ had a full two page spread on their lifestyle, and it was all about a two day reading by Mary Oliver – sold out – and they were scalping for tickets. And I felt pretty proud.

Austin Knight

Ms. Davies brought up Mr. Page's comments, and I hope we will get a follow-up on that in the future. Regarding Ms. Rushmore's 1% tax on property sales. I encourage you Barbara to always bring your Article forward to town meeting.

To Ms. Germaine – I tried to make an amendment two years ago on this on town floor, and it was defeated.

Michele Couture

I think Amy is a great Cheerleader, and maybe with her as our cheerleader we will have a flood of people coming to volunteer for our boards.

I have a statement I want to read, and I wrote it down as I was really upset. (See attachment #1)

Mary-Jo Avellar – Well, I will tell you that you knew I was going, you knew Lynne was going, and you knew Austin was going. Michele - I didn't know you were going. MJA – I told you that we were going because they each told me. Well Austin told me that Lynne was going. I told Austin that I was going. Did not call Lynne up – there was no concerted effort. But when there are people out there talking about what is going on in the community I feel I have an obligation to go and hear what they have to say. I will repeat one more time. I did not participate in the survey, I did not participate in the discussion groups. Ms. Rushmore was there, she can verify that. We did not participate in any of those groups. I did not fill out any of the paperwork. I read the agenda. And no one is going to tell me, and I am so upset with you right now that I can hardly see straight. No one is ever going to tell me where I can or cannot go in Provincetown. It was not my meeting. It was not our meeting. It was their meeting. And if three of us want to go and attend a Zoning Board meeting we can do that. And if three of us want to attend a Planning Board meeting we can do that. We are not representing the Board of Selectmen when we go to those meetings.

Sometimes I find Austin at the Finance Committee. I was at the Finance Committee today. If two of you were at the Finance Committee, I would not go to Finance Committee because two of you were there. And I think it's really – I would never have done that to you Michele. If I thought you have done anything wrong, I would have called you on the phone, and I would have talked to you woman to woman. I would have never have gone behind your back. Never have gone behind your back. I am so hurt that you would do that to us, when we did absolutely nothing wrong. Nothing wrong.

Michele - I called you two weeks ago and told you what my feelings were. Mary-Jo – You don't like MY PACC. You don't like the way they present things. You think they are a group of malcontents – you told me that a million times before. I'm telling you that as someone who belongs to a group like that once before, you can never discount anything that the members of the public have to say about things that affect this community because sooner or later you're going to have to deal with it upstairs on Town Meeting floor. And I would rather be informed and know what is going on than not. And to say that we did something improper because we attended an open public meeting, I think is awful. I wish you would have called me this morning. If you had called me this morning and told me you had done it, I would have had it out with you then, and I would have been over it. I'm not going to be mad at you tomorrow. But I am angry with you now, and I think it was a sneaky thing to do. Really sneaky. I was upfront with you. I told you I was going to go to the MY PACC meeting. I told you I knew Austin was going to go, and Austin told me Lynne was going to go. Michele – If two of you had gone that would be one thing. Mary-Jo – No! Are you saying to me that if two of you are in the A & P, I can't go in the A & P because if somebody sees the three of us together we're having an illegal meeting. What the hell's the matter with you Michelle? Michele – No that's happenstance.

Audience Comment – Are we having a regular meeting or ? (inaudible).

Mary-Jo – This is our meeting and we're having Selectmen's Statements and you know what, I'll have you removed from the room. This is Selectmen's Statements, we're making Selectmen's Statements, it's on the Agenda and we're discussing something now.

Audience Comment - It sounds personal.

Mary-Jo - No we're not. We're discussing something that came up at Public Statements, and we are having a discussion about it and we don't happen to agree about it, and if you don't happen to like it, I'm sorry, but this is what we do at Selectmen's Statements because it is the only time we have an opportunity to respond to things that are said to us at Public Statements, and we're going to do it if it takes all night long. And that is all I have to say about it. Michele Couture – Well me too.

Pam Parmakian

Read statement into record. (See attachment #2)

Mary-Jo Avellar

Well, I'm not going to repeat what I've already said because I've already said I did not know what the agenda was. I do not read the blog every day. I went down there and somebody put an agenda in front of me. I said to Austin who was sitting right next to me, I am not filling this out, and I am not sitting in any groups. I went, will continue to attend any meeting I shall damn well choose to attend and I will write on the Blog, which I have in the past, twice, just as I write letters to the editor all the time. I am not changing my behavior. If the District Attorney wants to come and take me away, fine. But I think you are wrong when you put down citizens, whether you like what they have to say or not. And I don't necessarily like everything they have to say, and I've had personal discussion with members of that group and told them their tone is wrong, that they are wrong about the audit. If they don't want to listen to what I have to say, I can't make them understand it. But I am not going to put people down for taking part in the Democratic process, which is what they are doing, and to put us down for going down, for going there to hear what they have to say defies description. It just defies description. I'm not going to talk about it anymore.

I am going to say that I went to the Cape Cod National Seashore Advisory Committee as your representative. One of the most boring meetings I've ever attended in my life. They do have this concern about building going on within the Seashore and how sometimes Seashore goals conflict with Town Bylaws. One thing that did come out today was the discussion on Wind Turbines and Cell Towers, and our new Assistant Town Manager David

Gardner will be attending these meetings. and they will be having overlays so you will see where a propose wind turbine might conflict with a view shed. I think this will be very helpful once David begins to attend these meetings. They are looking at ways to make the Seashore more green.

Austin Knight – Regarding the comments that were made, I just wanted to say that I never knew anything of an District Attorney’s opinion whatsoever regarding any of this. I do not respond to the Blog – ever. I have read the blog – will not respond to the blog, because I believe, feel, that public statements are very important for people to come forward, they state their name, and I’m always willing to talk to anyone. I’m always willing to talk to someone when I see them or when their name is presented to me. I don’t respond to anonymous notes or statements. First of all I don’t know who is making it. I always do everything in public, and I have no problem with that. I am sorry this came up to the degree it did tonight. The interpretation that was given to me was that we were within our right to be there last evening. It may be challenged as such, and if so, I will deal with that when it happens. But at this point, the interpretation was given to me that I was within my right to be at the meeting last evening, and so I did go and I am not going to deny that. So, participation, no, I did not fill anything out, nor would I. And I choose not to, and also said I couldn’t.

4 APPOINTMENTS

MOTION: Move that the Board of Selectmen vote to reappoint Jill Macara as a Regular Member of the Recreation Commission with a term to expire December 31, 2010.

Motion by: Michele Couture Seconded by: Austin Knight Yea 5 Nay 0

4A APPOINTMENTS

MOTION: Move that the Board of Selectmen vote to appoint Howard Burchman as a regular member to the Planning Board with a term to expire December 31, 2010.

Motion by: Michele Couture Seconded by: Pam Parmakian Yea 5 Nay 0

5A1 MDPH HIV HOME HEALTH GRANT - Amendment

MOTION: Move that the Board of Selectmen vote to authorize the execution of a contract amendment with the Massachusetts Department of Public Health for a revised scope of services whereby MDPH adopts work plan for FY 08.

Motion by: Austin Knight Seconded by: Lynne Davies Yea 5 Nay 0

5A2 EMPLOYMENT CONTRACT

Approval of Extension: HIV Grant Coordinator

MOTION: Move that the Board of Selectmen vote, pursuant to Policy Statement No. 2002-01-28-A, to approve the Town Manager’s extension of the employment contract with HIV Grant Coordinator Patrick Manning through June 30, 2008, upon the same terms and conditions.

Motion by: Michele Couture Seconded by: Pam Parmakian Yea 5 Nay 0

5B1 TREASURER’S TRANSFERS

John Anderson Francis Scholarship Fund

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$37,750.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).

Motion by: Michele Couture Seconded by: Lynn Davies Yea 5 Nay 0

5B2 TREASURER’S TRANSFERS

John Anderson Francis Scholarship Fund

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$100.00 from the John Anderson Francis Scholarship Fund for the payment of attached invoices(s).

Motion by: Michele Couture Seconded by: Pam Parmakian Yea 5 Nay 0

5C **PARADE PERMIT – FAMILY EQUALITY COUNCIL**

LGBTQ – Family Unity and Pride Parade

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Ariana Flores on behalf of the Family Equality Council, P.O. Box 206, Boston, MA 02133, to hold their Family Week LGBTQ Family Unity and Pride Parade on Sunday, July 27, 2008, starting at 3:00 PM.*

Motion by: Michele Couture Seconded by: Lynne Davies Yea 5 Nay 0

5D **432 RECYCLING & RENEWABLE ENERGY COMMITTEE BUDGET**

MOTION: *Move that the Board of Selectmen vote to reestablish the 432 Budget for FY 2009 for the Recycling and Renewable Energy Committee in the sum of \$2000 while reducing the 431 Solid Waste/Recycling Budget by the same amount and forward to the Finance Committee for consideration.*

Motion by: Lynne Davies Seconded by: Austin Knight Yea 5 Nay 0

5E1 **SHANKPAINTER POND WILDLIFE SANCTUARY TRAIL – ACCEPT GRANT**

MOTION: *Move that the Board of Selectmen vote to accept a grant from the Barnstable County Land Management Grant Program in the amount of \$6,500 for the Shankpainter Pond Wildlife Sanctuary Trail Restoration Project.*

Motion by: Michele Couture Seconded by: Lynne Davies Yea 5 Nay 0

5E2 **NICKY’S PARK TAIL – ACCEPT GRANT**

MOTION: *Move that the Board of Selectmen vote to accept a grant from the Barnstable County Land Management Grant Program in the amount of \$1,250 for the Nicky’s Park Trail Access Project.*

Motion by: Michele Couture Seconded by: Austin Knight Yea 5 Nay 0

6A **PAMET LENS OVERSIGHT GROUP - UPDATE**

Open discussion ensued. No motions made.

6B **REGULATIONS FOR PUBLIC USE OF TOWN HALL**

Open discussion ensued. Glad to get rid of the abutters notice. Now that we have a fee schedule it needs to be advertised.

MOTION: *Move that the Board of Selectmen vote to hold a Public Hearing Fee Increases and Entertainment Licenses for Town Hall for March 24, 2008.*

Motion by: Michele Couture Seconded by: Lynne Davies Yea 5 Nay 0

Pam Parmakian recused herself due to possible future or potential financial interest.

6C **83 SHANKPAINTER ROAD**

MOTION: *Move that the Board of Selectmen vote to approve the consent to transfer in the Growth Management By-law Covenant from Clem Deb Realty Trust the property know as 83 Shankpainter Road, LLC to CHR 83 SPR, LLC*

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

6D **CAPITAL IMPROVEMENTS PLAN FY 2009 – FY 2013**

Review Plan. Open discussion ensued. No motions made.

6E LOAN OF ARTWORK FORM TOWN COLLECTION – GROTON SCHOOL

MOTION: *Move that the Board of Selectmen vote to authorize the Town Manager to execute an agreement with the Groton School, P.O. Box 991 Groton, MA 01450, for the loan of artwork to be displayed at the de Menil Gallery on the Groton School grounds; pending an insurance appraisal.*

Motion by: Michele Couture **Seconded by:** Lynne Davies Yea 5 Nay 0

7. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

None at this time.

8. CLOSING STATEMENTS

Lynne Davies- None **Austin Knight** - None **Pam Parmakian** - None

Mary-Jo Avellar - None **Michele Couture** – None

Motion to adjourn by Michele Couture at 10:00 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
March 4, 2008