

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, DECEMBER 8, 2008

VETERANS MEMORIAL SCHOOL – MULTI PURPOSE ROOM

Chairman Michele Couture convened the meeting at 6:00 PM noting the following Board of Selectmen attending: Michele Couture, Elaine Anderson, Mary-Jo Avellar, Austin Knight, David Bedard

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner, Town Accountant Alix Heilala

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

1. PUBLIC HEARING – COMCAST NEGOTIATIONS

Note: Comcast has provided a stenographer for their

Town Manager Sharon Lynn – This is a first mandated Public Hearing to begin contract negotiations with Comcast. The current contract expires November 29, 2009. The testimony tonight that will be presented is extremely important, and the goal here is to identify future cable-related community needs and interest from the community, receive community input, and also to review the performance of Comcast under its current license, if anyone would like to speak to that.

Town Counsel William Hewig is here from Kopelman & Paige and explained that this public hearing is pursuant to federal cable statutes, and the purpose of the hearing is to undertake something called ‘ascertainment’. Ascertainment is the process that leads up to the negotiation of a new license and the purpose as to determine what the Town wants for a presumptive renewal term of the license currently issued to Comcast. The license may be issued for a term up to an additional ten years, but need not. It may generally be from three to ten years, and that is at the sole and complete discretion of the issuing authority (the Selectmen).

Chairman Couture read the Public Hearing and then invited Public Comments.

Public Comments

Carol Pugliese – Thanks Board of Selectmen for allowing PTV to move into Old Library Building. Looking at expanding PTV to all aspects for our community..

Brian Carlson – Support for added services. Read statement into record. (See attachment #1)

Joy McNulty – Owner of Lobster Pot Restaurant – Whole heatedly supports this project and is encouraged about the possibility of the networking that will be available for the town and its visitors.

Monica Himes – Provincetown Police Department – Anything that has to do with communications is of tremendous importance.

Jim Bakker – Executive Director of Provincetown Pilgrim Monument and Museum. This is so important for the residents of the community. I totally applaud the effort of the current staff to bring this to fruition.

Thom Thurston - One of the things that I find difficult is not being able to watch our town meetings at a time when it is conducive to me.

Gordon Siegel - In favor of the two channels, or whatever we can get, where an artist can express themselves. Make the channels as part of the marketing part of the town.

Lisa Bowden - Director of Tourism – Tourism Office supports the renewal of the contract with Comcast and PTV.

Deborah DeJonker-Berry – Library Director - This is the best way to deliver information to the community.

Hersh Schwartz – Totally in favor of everything. I would lean towards a 3 year contract.

Catherine Rizzo - Disappointed in the way the Cable Companies have treated us. I encourage the community to fight for as much as we can get, and for the cable companies to stop fighting us. Work together for the betterment of the community.

Tim McCarthy – President of Provincetown Theatre – we need to utilize PTV to connect with the community. We wholeheartedly support PTV.

Rex McKinsey - Support the emergency management. This is not a wish list. PTV is an integral part of getting the word out to our citizens. It is an essential part of community and a much needed access.

Mary Burns - Looks forward to volunteering and supports PTV.

Kerry Adams - Would like to see live broadcast and more than one channel.

Beau Jackett - Town of Provincetown MIS Director – We may not have a second choice in a cable supplier at this time, but we may have Verizon FIOS within 10 years. Would like to see us take advantage of Comcast working with the schools. Town may be interested in DOCIS 3.0 .. and staff encourages the Board to plan for future growth by requiring Comcast to upgrade the town's infrastructure.

Chairman Couture read emails (attached) into the record from the following people in support of PTV.

Irene Rabinowitz

Gregory Howe

Laurie Allen

Jeff Jaran

Donald & Kristine Hopkins

Denise Gaylord

Jackie Kelly

Lyn Kratz

Sewall Whitmore

Candace Nagle

Dennis and Deborah Minsky

Laura Thornton

Hank Janowsky & Andy Rahracsak

Read letter from Mary O'Keefe, Sr. Manager of Government & Community Relations re: effective January 9, 2009 the **CN8** network will no longer be available. (Letter dated December 5, 2008 – received in office December 8, 2008)

Mary O'Keefe gave a brief update on Comcast happenings on the Cape. Over 3,000 subscribers in Provincetown.

Closed to public at 6:58 PM.

Board of Selectmen Comments.

David Bedard – I am very impressed by the amount of people speaking and the written comments submitted for tonight's meeting. Also the I-Loop and the DOCIS that Beau Jackett mentioned, I am interested to see if Mary O'Keefe has any information on any of those or if there is something we should be discussing with the contract negotiations in trying to make sure we are up-to-par in what is coming in the future.

Elaine Anderson - This is an outstanding turnout with wonderful ideas. I have written down quite a few comments and will encourage our Town Manager and Town Counsel to work on them.

Austin Knight - How long will the process take? Answer: Sharon Lynn - The negotiation process will happen within the next three to six months, and there will be other public hearings.

When you say "Reasonable" – it still bothers me. What is reasonable?

Michele Couture – What are the Town’s Future Cable Related Needs? - You certainly heard what they are this evening. I believe we have to stand firm on as much public input as possible and the cost does not have to be fully born by the subscribers. Gave a brief overview of the town officials who spoke this evening, and high importance of public access.

Mary-Jo Avellar - Reverend Howe’s letter was quite explicit. I think public access is a requirement. The I-Loop. I don’t know why that may have been turned down during the last negotiations, but it’s something that I think we need to look into. . People would like to see our meeting broadcast live. I highly support our PTV stations. I’m not going to vote on any motion that will pass on any increase on to our public.

MOTION: Move that the Board of Selectmen vote to direct the Town Manager, with the assistance from Town Counsel and representatives from Provincetown’s Community Television (PTV), to enter into negotiations with officials from Comcast with the intention of successfully negotiating a new contract agreement for the Town of Provincetown before the current license expires on November 29, 2009 with the provision that no additional cost be passed on to subscribers.

Motion by: Mary-Jo Avellar No Second.

MOTION: Move that the Board of Selectmen vote to direct the Town Manager, with the assistance from Town Counsel and representatives from Provincetown’s Community Television (PTV), to enter into negotiations with officials from Comcast with the intention of successfully negotiating a new contract agreement for the Town of Provincetown before the current license expires on November 29, 2009.

**Motion by: Elaine Anderson Seconded by: Austin Knight Yea 5 Nay 0
*Mary-Jo Avellar recused herself as her husband is employed by the Town of Provincetown***

1B JOINT MEETING WITH PIER CORP AND FINANCE COMMITTEE

Update on Finance Committee Recommendations / Grant Request Letter

Pier Corp Members: Leonard Clingham, Kerry Adams, and Rex McKinsey, Harbormaster.

FinCom Members in attendance: Tom Coen, Phil Gaudiano, Thomas Thurston.

Comments from Chairman Leonard Clingham and Harbor Master Rex McKinsey: FinCom Chairman Tom Coen stated that the two board members met and they are pleased to see that things are moving forward, and will be meeting again either the first or second week of January 2009.

Michele Couture – Stated that she received a letter from Candace Nagle asking that it be read in public, however, that since this is not a public hearing she will not read the letter. Ms. Nagle can read it during Public Statements if she so desires.

Open discussion ensued. Schedule special meeting with PPPC in mid January 2009.

MOTION: Move that the Board of Selectmen vote to authorize the submission of a 604B Water Quality Monitoring Grant Application for 2009/2010 by the Provincetown Public Pier Corporation in the amount of \$46,400 to the Massachusetts DEP, Bureau of Resource Protection, Division of Municipal Services, Boston, MA for the continuation of the Estuarine Water Quality Monitoring Project.

Motion by: Austin Knight Seconded by: Elaine Anderson Yea 4 Nay 0

Mary-Jo Avellar returned.

1C VISITOR SERVICES BOARD

Proposed Five-Year Financial Plan for Tourism Fund Expenditures

VSB Board Members Present: Mick Rudd, James Bakker, Kathleen Fitzgerald, Rob Tosner, Hersh Schwartz, Michael Peregón, Micelle Lohr Haines and Tourism Director Lisa Bowden.

Open discussion ensued. The Board of Selectmen ask the VSB to come back with crunched numbers to increase the amount for the Municipal budget to bring it back to \$34K.

Yea 2 Nay 3 - *Motion Does Not Carry -*

MOTION: *Move that the Board of Selectmen vote to direct the Town Manager to have PTV film the School Committee meeting at 4 PM on Tuesday, December 8, 2009*

Motion by: Mary-Jo Avellar **Seconded by:** David Bedard Yea 5 Nay 0

Comments by Sharon on Stop & Shop

This Sunday is the David Asher's Sr. Citizens Dinner at the VFW.

Michele Couture

To DPW – how are residents going to dispose of their Televisions? Answer – we have a special disposal container at the Transfer Station. There is no fee.

MOTION: *Move that the Board of Selectmen vote to send a letter to the family of John Hinkley, former Selectman in Orleans.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to send a letter to Ms. Catherine Bulkuivic advising her that her issue is with the School Department and not the Town of Provincetown.*

Motion by: Michele Couture **Seconded by:**

- Motion withdrawn -

Town Manager had discussion with Catherine therefore motion is withdrawn

MOTION: *Move that the Board of Selectmen vote to write a letter in support of the Provincetown International Film Festival in their commitment to purchase the Whalers Wharf Cinema from its current owners.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to send a letter to Julian Popko for his 'Lobster Pot Tree' creation, once again this year in Lopes Square.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar Yea 5 Nay 0

4A APPOINTMENT

None at this time.

5A WASTEWATER

Change Order to Metcalf & Eddy For Construction of Needed Services

MOTION: *Move that the Board of Selectmen vote to approve a change order to Metcalf & Eddy, engineers of record, in the amount of Ninety-five Thousand Dollars (\$95,000.00) for the following:*

- *Analysis and planning for the so-called East End Redirects whose goal is to provide additional capacity on the East Main to allow for additional connections*
- *Continued review of other areas*
- *Options for further "optimization"*
- *Prepare for a comprehensive review with the Board of Selectmen early January 2009 for "next step approvals"*

Motion by: David Bedard **Seconded by:** Elaine Anderson

Yea 4 Nay 1 (Mary-Jo Avellar)

5B COMMUNITY RATING SYSTEM APPLICATION

MOTION: *Move that the Board of Selectmen vote to approve the submittal of the Community Rating System application to the Federal Emergency Management Agency and to designate Brian Carlson as the Community Rating System Program Coordinator; and furthermore, adopt the Resolution officially*

recognizing the Town's commitment to hazard mitigation planning and the preparedness planning functions of the Town's ad-hoc Local Emergency Preparedness Committee.

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

5C MALICOAT AGREEMENT

MOTION: *Move that the Board of Selectmen vote to approve the Access Easement Agreement between the Town of Provincetown and Conrad H. Malicoat and Anne L. Malicoat pursuant to the authority granted under Article 15 of the April 4, 2007 Annual Town Meeting and as approved to form by Town Counsel Kopelman & Paige.*

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

5D BOND ANTICIPATION NOTE #1073

MOTION: *Move that the Board of Selectmen vote to rollover Bond Anticipation Note #1072 due January 8, 2009 into Bond Anticipation Note #1073 in the amount of \$6,220,000 dated January 8, 2009 at 1.9% (\$51,157.37) interest payable at maturity to Cape Cod Five Cents Savings Bank on June 15, 2009.*

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

6A CONTRACT AGREEMENT FOR TOWN HALL RENOVATIONS – PHASE I

Town Manager Sharon Lynn presented the Board of Selectmen for their consideration the contract for the Phase I: Structural and Exterior Envelope Repairs for the Provincetown Town Hall for consideration. Contractor: Kronenberg & Sons Restoration, Inc., 175 Industrial Park Road, Middletown, CT 06457 - Mr. Brian T. Kronenberger, Vice President.

MOTION: *Move that the Board of Selectmen vote to sign the contract as presented to the Board by Town Counsel and Town Manager for the Town Hall Phase I Structural Exterior Envelope Repairs.*

Motion by: Austin Knight **Seconded by:** Elaine Anderson **Yea 5 Nay 0**

6B FY 2010 BUDGET REVIEW SCHEDULE

Schedule Special Board of Selectmen's Meeting for Mid-January

MOTION: *Move that the Board of Selectmen vote to schedule special meetings to review the FY 2010 operating and capital budget requests on the following dates in mid-January – January 7, 8 and 14, 2009 from 5 to 10 PM at the Grace Gouveia Building.*

Motion by: Mary-Jo Avellar **Seconded by:** David Bedard **Yea 5 Nay 0**

6C NOVEMBER 17, 2008 – SPECIAL TOWN MEETING FOLLOW-UP

Tracking Sheet of Special Town Meeting Articles

Open discussion ensued. No motions made.

6D TOWN MANAGER FOLLOW-UP

Nauset Kennels are looking for a place to pick-up and drop off dogs on Tuesday & Thursday's. Suggestion is the Jerome Smith, Town Hall parking area.

6D1 CAPE COD TOURISM MINI-GRANT

Visitor Services Board - \$1500.00

MOTION: *Move that the Board of Selectmen vote to accept from the Cape Cod Chamber of Commerce a "Cape Cod Chamber FY-09 Tourism Mini-Grant" in the amount of \$1500 in support of the Provincetown Visitor Services Board tourism website development project.*

Motion by: Mary-Jo Avellar **Seconded by:** David Bedard **Yea 5 Nay 0**

7. CLOSING STATEMENTS

None

8. **BARGAIN STRATEGY**

MGL C. 39, §23B, cl. 3

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 6 to go into executive session for the purpose of discussing litigation; and not to convene in open session thereafter.*
[Roll Call Vote]

Mary-Jo Avellar – Yes

Austin Knight – Yes

David Bedard – Yes

Elaine Anderson – Yes

Michele Couture – Yes

Motion by: Austin Knight Seconded by: Austin Knight

Yea 5 Nay 0 - Motion Passes -

The Board adjourned to go into executive session at 10:53 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
January 7, 2009