

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, JANUARY 9, 2005

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:05 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 Assistant Town Manager Michelle Jarusiewicz

Recorder: Vernon Porter

The following are meeting minutes, in brief.

1A PUBLIC HEARING

Growth Management Report [Zoning By-laws § 6600 (3)]

Attendees: Water & Sewer Board - Jonathan Sinaiko, Planning Board - Howard Burchman, Building Commissioner - Doug Taylor

Public Comments

Jonathan Sinaiko – People are now looking at putting wells in to save on water usage. Feels by-law is not fair in Category 2. Suggest that maybe we can find a way to address this issue by next town meeting.

Rick Murray – Nice to be able to go to Town Website and find out information on this matter. Suggest that we may want to re-evaluate our zero growth policy – as there is room for growth in Provincetown. Let's look at where we can tweak the by-law and move the categories.

Board of Selectmen

David Nicolau

The by-law that addresses the extra bedroom – there were some loop holes in it when it was created and it was flawed - there were no queues available for the extra bedroom and some people got left behind. I believe Howard is working on this and may have something available for this upcoming spring Town Meeting.

The Planning Board will be able to craft articles that are going to support the Economic Development permits -- with the reuse of gallon.

Howard Burchman - Planning Board

We're working on correcting the flaw in the process and hopefully come up with two articles for this Town Meeting.

I think what we should look at is the possibility of replacing Growth Management with an all encompassing inclusionary housing program.

In the excitement of getting the bylaws passed – what happened with the middle income units is that there is no structure. I think a joint meeting with the Housing Partnership to work on this and clear it up would be good.

MOTION: Move that the Board of Selectmen vote to have a joint meeting with the Provincetown Housing Partnership to discuss middle income permits being issued for clarification.

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

Sarah Peake

Relative to Dr. Murray's comments. The gallons are there – available for people to use. And speaking of banking, I'm thinking that this report should include an additional category - "what gallons are available in the Economical Development Bank" that we created at our Special Town Meeting.

We need to be more creative. I'm concerned when I see a consistent decrease across the board – a downward trend. Something our Economic Community Development Task Force needs to take a look at.

Howard raised some good points and it is important to go back and look at the by-laws.

Richard Olson to Howard - Look at them without consultants.

Cheryl Andrews to Howard – you might want to take advantage of the annual report. The Planning Board should write it and take advantage and submit one to the Town Clerk and say what you want to say to the public. You are certainly in a better position than I am to analyze the impacts of the bylaw and what you think should be changed – that is absolutely your function. So, I look forward to seeing your enthusiasm.

Cheryl Andrews

The idea that you can build houses around town and never get a bedroom does not make sense. Yes, you should have to wait. That was the premise of Growth Management – that we slow it down because we needed to get some things under control. But you shouldn't have to wait forever. So, I agree with you and I hope this is going to be worked out soon. Whether or not you give away ten all of a sudden, I am not so sure of that. But I do think there should be a set aside annually for a bedroom – even if it is one – someone should get one.

The second thing is zero percent no-growth. We are not a zero percent no-growth town. We've gone up and down over the years on how many gallons we actually allocated to growth in town. It's about 4,000 gallons for non-affordable and 2200 for affordable.

Michele Couture – want to thank Mr. Bergman for this comprehensive report – it was very helpful.

MOTION: Move that the Board of Selectmen vote, pursuant to the Provincetown Zoning By-laws Section 6600, Growth Limitation Goal Allocations, to make the following findings: (1) that the average daily withdrawal for the Provincetown Water System decreased from 829,898 GPDs in 2004 to 784,666 GPDs in 2005; (2) that the permitted level is 850,000 GPDs; and (3) that, therefore, the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection ("DEP") pursuant to 310 CMR 36.00 and all applicable rules and regulations promulgated by DEP with respect thereto.

Motion by: Michele Couture Seconded by: Sarah Peake Yea 5 Nay 0

1B PUBLIC HEARING

Joint Meeting with Housing Authority, PPH, CPC

Attendees: Patrick Manning, Margaret Carroll-Bergman, Nancy Jacobsen, Arturo Alon, George Bryant and Building Commissioner Doug Taylor.

Open discussion ensued. No motions made. Board of Selectmen requested an update from these boards by early February.

2. PUBLIC STATEMENTS

Pam Parmakian –on behalf of Community Housing Resource – our bylaws allow people who make higher incomes (some make as high as \$90K) to live in low-income housing .. all due to the deed restriction. Suggest that we need more 2 bedroom units and that another analysis be done. Also suggested that Housing Specialist could be utilized in many ways in helping people with rental subsidy.

Cheryl Colville – Lost everything to hurricane Katrina. I'm testifying to what previous speaker was saying and finding it very hard to find a place to stay.

3. SELECTMEN'S STATEMENTS

Sarah Peake

Thanked Pam Parmakian for her comments and encourage her to go to Provincetown Housing Authority and the Community Preservation Committee with her ideas.

MOTION: *Move that the Board of Selectmen vote to have as a future agenda item the "Gateway Plans" and invite Clay Schofield and our local people who are working on our local Transportation Steering Committee attend.*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

There is a hearing with Cape Cod Commission on Thursday regarding the Manor. – Keith – would encourage everyone who can attend – be there.

MOTION: *Move that the Board of Selectmen vote to have Sarah Peake speak on behalf of the Board of Selectmen at the Cape Cod Commission's Hearing on Thursday, January 12, 2006 re: Cape End Manor.*

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

Michele Couture

Also want to thank Ms. Parmakian for coming to our meeting tonight and making the suggestions that she did. I was one of the other people who thought that rental subsidy would be a good use of CPC funds. CPC talked about temporary housing, modular units and I think rental subsidy would be much better and suits all sorts of purposes.

Animal Shelter- I've been working with Chief Meyer to come up with draft regulation for temporary shelter during emergencies.

MOTION: *Move that the Board of Selectmen vote to have a future agenda item with Chief Meyer to discuss Emergency Animal Shelter.*

Motion by: Michele Couture **Seconded by:** David Nicolau

Discussion - Would prefer that the Chief just distribute the draft regulations now and then we can schedule a meeting later.

Motion and second withdrawn

Elevator broke again. Do we have to spend big money again? Sandy Turner - It was a manufacturer's defect.

Richard Olson - Thanked those who expressed concerns upon his recent surgery.

David Nicolau

Thank Pam Parmakian – and echo subsidy ideas.

MOTION: *Move that the Board of Selectmen vote to ask the Town Manager to check with Town Counsel as to the best way to research the deed restriction so that we could charge more.*

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

Cheryl Andrews

On the issue of 3 bedrooms – why can it not be for shared housing?

Rental subsidy – I would have to see the proposal to understand it.

4. BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Philip Scholl as a regular member of the Harbor Committee with a term to expire June 30 2008.*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

4B APPROVAL OF TOWN MANAGER APPOINTMENTS

David Nicolau recused himself as Ken Russo is a business partner and Eric Dray is a client.

MOTION: *Move that the Board of Selectmen vote to approve the Town Manager's reappointment of Kenneth Russo to the Disability Commission, pursuant to MGL C.40,§8J with a term expiration date of December 31, 2009.*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the Town Manager's reappointment of Jo-Ann DiOrio to the Disability Commission, pursuant to MGL C.40,§8J with a term expiration date of December 31, 2009.*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the Town Manager's reappointment of Eric Dray to the Historical Commission, pursuant to MGL C.40,§ 6-9-1 with a term expiration date of December 31, 2009.*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the Town Manager's reappointment of Austin Knight to the Historical Commission, pursuant to MGL C.40,§6-9-1 with a term expiration date of December 31, 2009.*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

David Nicolau returned

5A1 BOND ANTICIPATION NOTE #1056

MOTION: *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1056 in the amount of \$3,000,000.00 dated January 13, 2006 at 3.60% interest payable at maturity to Cape Cod Five Cents Savings Bank on April 13, 2006.*

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

5A2 BOND ANTICIPATION NOTE #1057

MOTION: *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1057 in the amount of \$4,175,000.00 dated January 13, 2006 at 3.60% interest payable at maturity to Cape Cod Five Cents Savings Bank on April 13, 2006.*

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

5A3 TREASURER'S TRANSFERS

Library Building Furniture Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$938.46 from the Library Building Furniture Gift Fund for the payment of an invoice.*

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

5A4 TREASURER'S TRANSFERS

Josephine Johnson Trust Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$2,000.00 from the Josephine Johnson Trust Fund for the payment of an invoice.*

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

5A5 **TREASURER'S TRANSFERS**

Beautification Gift Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$300.00 from the Beautification Gift Fund for the payment of the attached invoice.*

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

5B **PARADE PERMIT: FAMILY PRIDE COALITION**

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Trina Olson of Family Pride Coalition, P.O. Box 65327, Washington, DC to hold their annual "Family Pride Parade" to be held on Sunday, July 30, 2006 from 3:00 pm to 3:45 pm*

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

6A **CZM COASTAL POLLUTANT REMEDIATION**

Grant Award - \$116,640 – Harbor Stormwater project – Phase II

MOTION: *Move that the Board of Selectmen vote to accept a grant from Massachusetts Office of Coastal Zone Management for \$116,640 to be combined with \$38,885 in local match for \$155,525 total project costs under CZM's FY 2006 Coastal Pollutant Remediation Program for a Provincetown Harbor Stormwater Assessment Project for Stormwater Mitigation-Phase II located at P-1 Outfall at the breakwater next to the Provincetown Inn.*

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

6B **FY 2007 BUDGET REVIEW SCHEDULE**

Schedule Special Board of Selectmen Meetings for January

MOTION: *Move that the Board of Selectmen vote to schedule special meetings to review the FY 2007 operating and capital budget requests on the following dates in January*

January 19, 2006 @ 6 PM - January 24, 2006 3PM January 25, 2006 8 AM

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

Add meeting – 4:30 PM 1/18/06 - Prepare for joint meeting w/Truro

7. **MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

MOTION: *Move that the Board of Selectmen vote approve the minutes of December 5, 2005 with changes so noted.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 12, 2005 (CEM Mtg) as printed.*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 12, 2005 (Reg. Mtg.) with changes so noted..*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 15, 2005 as printed.*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 19, 2005 (Board Vacancies) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of December 19, 2005 (Wastewater) as printed.*

Motion by: Michele Couture **Seconded by:** Sarah Peake Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 3, 2005 as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 5, 2005 (Special Mtg.) as printed.*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of January 5, 2006 (Joint Mtg. W/School Cmte), 2005 as printed.*

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

9. **CLOSING STATEMENTS**

Richard Olson - None **David Nicolau** - None **Sarah Peake**

MOTION: *Move that the Board of Selectmen vote to appoint Cheryl Andrews as Provincetown's Representative to the Barnstable County Wastewater Collaborative.*

Motion by: Sarah Peake **Seconded by:** Michele Couture Yea 5 Nay 0

Michele Couture

Generators – get update report from staff on town generators.

Cheryl Andrews - None

Motion to adjourn by Michele Couture at 9:00 pm.

Minutes transcribed by: Vernon Porter, Secretary
January 10, 2006