

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**  
**REGULAR MEETING - MONDAY, SEPTEMBER 11, 2006**

**JUDGE WELSH HEARING ROOM**

Chairman Cheryl Andrews opened the meeting at 6:01 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

Recorder: Vernon Porter

The following are meeting minutes, in brief.

Chairman Andrews asked for a moment of silence in memory of 9/11.

**1A PUBLIC HEARING**

Curb Cut Request 11 Prince Street

David Nicolau recused himself as he sold the property located next to this property.

Also, Town Manager left the room as he has made donations large enough that he felt he should recuse himself as well.

Father Henry J. Dahl and Architect Tom Polanza represented St. Peters the Apostle Church.

**Public Comments.**

Donald Morris - Talked to Father Dahl and feels this curb cut will not interfere with his family business.

Charles Lawton – Urge the Board of Selectmen to pass this request. May elevate a public safety issue.

James Meads – On the Building committee of the church and seems to be the best plan for the public safety and urge you to vote for it. Insane to have the entrance and exit at the same place.

Dan Wolf – An abutter – Does not believe that it is a direct safety issue. Believes that the plan for a 40 ft cut and the entire project is wildly inappropriate and inconsistent with the village center planning and is bizarre. Urge the Board of Selectmen not to vote for this request.

Gordon Ferreira - An abutter – Is in favor of the curb cut 100% and firmly believes that it is a safety issue.

Jacqueline Rosa – Uses the parking lot on a daily basis and several times have almost have had accidents leaving the current exit.

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**Board of Selectmen**

Sarah Peake – Would you be agreeable to not having a parking booth located at this entrance/exit as part of a condition of the Curb Cut if it were approved? Answer: Yes.

Cheryl Andrews – Should this not have gone before the Zoning Board first?

**MOTION:** *Move that the Board of Selectmen vote to continue this agenda item until Monday, September 25, 2006.*

**Motion by:** Sarah Peake

**Seconded by:** Michele Couture

**Yea 5 Nay 0**

**1B BUILDING COMMISSIONER**

## Illegal Curb Cuts

Open discussion ensued. Review thoughts on proposed amnesty program and definitely should consider some type of application fee.

**MOTION:** *Move that the Board of Selectmen vote to invite the Building Commissioner back to discuss Illegal Curb Cuts at their Regular Schedule Meeting on Monday, October 10, 2006.*

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

## 1C CURB CUT REQUEST - CONTINUATION

463 Commercial Street

David Nicolau recused himself

**MOTION:** *Move that the Board of Selectmen vote, pursuant to Provincetown General By-law §11-6-2, approve the request of Peter J. Petas and Ted Jones to establish a curb cut at the property located at 463 Commercial Street (Assessor's Map 12-4-008) ((Res 3 Zone); and to request that a certified plot plan be provided showing the actual location of the proposed curb cut.*

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

David Nicolau returned

## 2. PUBLIC STATEMENTS

George Bryant – Supports the History Preservation Project and has a large collection of Historical items he is willing to donate when the time come. Feels that the Board of Selectmen and the Town Manager has destroyed a large part of his life's work by taking his stuff to a transfer station .. things that can never be replaced. Has and did have the largest collection of objects related to the fisheries of the North Atlantic Ocean. Things that not only relate to Provincetown but other major ports.

Austin Knight – Re: St. Peter's request for Curb Cut – support what they are trying to do but forty feet for a curb cut seem a bit excessive for a drive. Supports the History Preservation Project.

Gary Delius - Urges the Board of Selectmen to support the History Preservation Project.

Mick Rudd – Time for the Town to realize what we and recognize the cultural wealth that we possess and take steps to properly preserve it and create a trust among people who have a enormous contributions to make towards our heritage and to future generations living in this town. A former Library Trustee came to his business today with photographs pertaining to the telephone company that use to exist in Provincetown and the people who use to man it and who were trained by a teacher at our local High School. These Historic photos and papers of Switchboard Operators who worked here in Provincetown and the last log of the day they worked is a vital part of our heritage. The person who owns this material, Frances Raymond, a mere 101 years old, would like to donate it to the town to be preservef but there is no mechanism for her to do this at this time. Therefore, he definitely urges the Board of Selectmen to support the History Preservation Project.

## 3. SELECTMEN'S STATEMENTS

### David Nicolau

While traveling in Florida, this weekend visiting family, I saw some wonderful modular homes and it may be a way to go here in Provincetown and I wouldn't mind living in one himself.

Sorry I missed the Regatta, I hear it was great.

### Sarah Peake

. To Mr. Rudd, I fully intend to support the History Preservation Project. To hear you speak, it make me

realize that we can digitize the photos and protect and preserve them but I think we also need to develop a plan where we can record the oral history that our elders have through out our community.

**MOTION:** *Move that the Board of Selectmen vote to send a letter of sincere Thanks and Admiration to Earl Chaddock upon his retiring after 27 years as our Veteran's Agent.*

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

**Michele Couture**

I've asked for a laundry update. I would appreciate if I could get one sometime soon.

My thanks to Tracy Roderick for stepping up and becoming Acting Recreational Director. People are always stopping me and commenting on how well the department is running.

Do agree with Mr. Bryant on his comments concerning the History Preservation Project, however, take exception to what else he had to say and it was not correct at all.

**Richard Olson**

To Mr. Bryant to extent that he was talking about archiving and to Mr. Delius, Mr. Knight and Mr. Rudd – absolutely I am in favor of agenda item 5A and in favor of maintaining permanent preservation is a must; and they absolutely must be different sites.

Schooner Regatta was such a smashing success. – Thanks to all.

Mr. Delius of the Finance Committee – in correspondence with us talks about a potential Charter change so that members of the Finance Committee could be members of the Ad Hoc Committee. I would be very much in favor of that.

Sign – I suggested several months ago .. should be put outside door – ‘Quite Please – Meeting In Progress’.

**Cheryl Andrews**

Great Schooner Regatta this year and my thanks to all involved. Next year the Committee is getting ready to take a big turn and a much more energetic proposal for next year.

Swim for Life was super as usual. An extraordinary event.

**MOTION:** *Move that the Board of Selectmen vote to sent a letter of congratulations to the Swim for Life and the Schooner Regatta Committees for an outstanding job done by all.*

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

Definitely going to support History Preservation Project as it stands tonight but I am going to ask you to question why we don't have a Historical Society, whether it's time to form one now, and whether it is the right thing for the town to be doing it?

**4A      BOARD OF SELECTMEN APPOINTMENTS**

**MOTION:** *Move that the Board of Selectmen vote to appoint vote Liz Angelino as a Regular Member of the Licensing Board with a term expiration date of December 31, 2007.*

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

**5A      TOWN CLERK**

History Preservation Project

**MOTION:** *Move that the Board of Selectmen vote to authorize use of the second and third floors of the Freeman Street building to the History Preservation Project, as supervised by the Town Clerk, through June 30, 2007, for the purposes of digitizing documents for future use for research and public*

information

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

**MOTION: *Move that the Board of Selectmen vote pursuant to MGL C.44,§53A to establish a special gift fund, with the balance in said fund to be expended without further appropriation by the Town Clerk, with the approval of the Town Manager, for the History Preservation Project.***

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

**5B      TREASURER'S TRANSFER**

Bond Anticipation Note #1066

**MOTION: *Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1066 in the amount of \$4,354,187.00 dated September 29, 2006 at 4% interest payable at maturity to Cape Cod Five Cents Savings Bank on November 28, 2006.***

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

**5C      COUNCIL ON AGING**

Title II Grant award – Elder Services of Cape Cod

Sarah Peake recused herself as she is on the Advisory Council of Elder Services.

**MOTION: *Move that the Board of Selectmen vote to accept a grant for FY 2007 from Elder Services of Cape Cod and the Islands under the Older Americans Act Title III in the amount of \$8,000.00. This grant is to provide personal services and medical transportation for seniors 60 years old and older.***

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

**5D      PARADE PERMIT**

Homecoming/School Spirit Car Rally

**MOTION: *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Tracy Driggs Roderick, P.O. Box 814, Truro, MA to hold an Homecoming / School Spirit Car Rally on behalf of the Provincetown High School Booster Club to be held on Friday, October 20, 2006 from 5 PM to 6:30 PM. No rain date.***

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

**6A      RULES OF PROCEDURE**

Order of Agenda Items

**MOTION: *Move that the Board of Selectmen vote to schedule the matter of amending the Board of Selectmen's Rule of Procedures – Order of Agenda Items, to the next regular scheduled meeting on Monday, September 25, 2006.***

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

**6B      FOURTH TOWN LANDING**

Refer to Planning Board Plan To Alter Layout

Keith to get opinion from Town Counsel as to the easement possibilities of the Fourth Town Landing.

**MOTION:** *Move that the Board of Selectmen vote to as follows: Having considered the proposed alteration of the layout as a town landing of the Fourth Landing, as shown on the plan entitled "Plan of Provincetown Showing Fourth Town Landing (Court St.) and Fire Station #2," dated September 8, 2006 prepared by Provincetown DPW – GIS Services, the Board hereby votes its intention to alter the Fourth Landing in the manner shown on said plan, and refer the said proposed alteration of layout to the Planning Board for its report thereon, pursuant to G.L. c.41, §8II.*

**Motion by:** Michele Couture                      **Seconded by:** Richard Olson    .....

Yea 3    Nay 2 (Sarah Peake / David Nicolau)

**7A      CZM COASTAL POLLUTANT REMEDIATION**

Grant Application - \$116,640 – Harbor Stormwater Project – Phase II

**MOTION:** *Move that the Board of Selectmen vote to authorize the submission of two grant applications to the Massachusetts Coastal Zone Management for \$140,000 to be combined with \$60,000 in local match for \$200,000 total project costs under its FY 2007 Coastal Pollutant Remediation Program for Provincetown Harbor Stormwater Assessment Project for Stormwater Mitigation-Phase II located at P-3 West End Lot Outfall and P-2 Point Street Outfall.*

**Motion by:** David Nicolau                      .....

**Seconded by:** Michele Couture                      Yea 5    Nay 0

**7B      HOUSING UPDATE**

Housing Summit Consultant: Emergency Assistance Grant Agreement

**MOTION:** *Move that the Board of Selectmen vote to amend its vote of August 1, 2006 and authorize execution of a contract with John J. Ryan, Development Cycles, Inc. for a community housing action plan/housing summit in the amount of \$25,000 to be funded by the Community Preservation Committee (\$10,000) and the Provincetown Housing Authority from the Affordable Housing Trust Fund (\$15,000).*

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

**MOTION:** *Move that the Board of Selectmen vote to execute a grant agreement with the Interfaith Council for the Homeless for \$20,000 for an emergency rental assistance program for Provincetown funded from the Affordable Housing Trust Fund.*

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

**7C      INTERMUNICIPAL AGREEMENT**

Shared Use of Truro Transfer Station

**MOTION:** *Move that the Board of Selectmen vote to pursuant to MGL C.40,§4A to approve an Intermunicipal Agreement with the Truro Board of Selectmen for Provincetown's shared use of the Truro Transfer Station for the period October through December 2006, during reconstruction of Provincetown's transfer station.*

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

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of August 28, 2006 (Board Interviews) with change 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 August 28, 2006 (Executive Search.) with changes so noted.***

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

**MOTION: *Move that the Board of Selectmen vote to approve the minutes of August 28, 2006 (Regular Mtg.) with changes so noted.***

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

**9.            CLOSING STATEMENTS**

**David Nicolau – None            Sarah Peake – None            Michele Couture - None**

**Richard Olson - None            Cheryl Andrews – None**

**10. EXECUTIVE SESSION**

MGL C.39,§23B cl 3

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

**Motion by: Sarah Peake            Seconded by: Richard Olson**

**Michele Couture – Yea            Richard Olson – Yea            Sarah Peake - Yea**

**David Nicolau – Yea            Cheryl Andrews - Yea**

**Yea 5    Nay 0            Motion Passes**

The board went into executive session at 9:03 pm.

Minutes transcribed by: Vernon Porter, Secretary  
September 12, 2006