

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – MONDAY, JANUARY 31, 2005

### JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:00 PM noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Mary-Jo Avellar, Richard Olson

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

#### 1A SCHOOL COMMITTEE

PHS Annex MOU - Surplus Declaration and Reuse Disposition

School Committee members present: Therese Nelson, Debra Trovato, Molly Purdue and Peter Grosso

**MOTION:** *Move that the Board of Selectmen vote to execute a Memorandum of Understanding between the School Committee and the Board of Selectmen relative to the PHS Annex, the terms of which are incorporated herein by reference.*

- 1. The Provincetown School Committee hereby declares the PHS Annex at 5 Holway Avenue, comprised of 0.3 acres, more or less (Assessor's Map 07-4-065-A) as surplus to its needs and available for transfer to the Board of Selectmen for purposes of conveyance, subject to the provisions of this Memorandum of Understanding, as set forth below.**
- 2. The Provincetown Board of Selectmen hereby declares, pursuant to MGL c. 30B, §16, clause (a), and contingent upon the authorization of Town Meeting, that the PHS Annex at 5 Holway Avenue, comprised of 0.3 acres, more or less (Assessor's Map 07-4-065-A), no longer being needed for municipal purposes, is available for disposition pursuant to MGL c. 30B, §16. The future use of the property shall be subject to the following restrictions: (1) the minimum selling price shall be \$800,000; (2) the disposition may be made by sale or lease-purchase agreement over a period determined in the discretion of the Board of Selectmen to be in the best interests of the Town; (3) the disposition to be to a non-profit organization; and (4) future uses of the property to be defined in the solicitation of offers shall be limited to marine-related purposes, including an educational component.**
- 3. Said conveyance shall substantially reduce or eliminate the School Department's debt service obligation pursuant to the vote under Article 7 of the April 1, 2002 Special Town Meeting which provided that half of the local debt service cost for the SBA-reimbursable PHS and VMES school building projects "shall be paid from the school department through one or more of the following ways . . . (3) the sale or lease of the annex."**
- 4. The entire proceeds of sale of the Annex, together with the \$75,000 energy rebate from the Cape Light Compact for electrical improvements made to Provincetown High School, shall be used to reduce the principal amount that the Town borrows as its local share, as shown in Attachment "A"; and shall also be credited towards the School's debt service obligation as a reduction in principal as shown in Attachment "B".**
- 5. As savings it can realize from not having to fund the maintenance and operation of the Annex, the School Committee shall decrease its FY 2006 budget request by \$20,000, from \$4,172,958 to \$4,152,958; and that said \$20,000 shall also be credited towards the School's debt service obligation as a reduction in principal as shown in Attachment "B".**

Motion by: Richard Olson

Seconded by: Mary-Jo Avellar

Yea 3 Nay 0

2. **PUBLIC STATEMENTS**

Barbara Rushmore - Suggested use of Library building on Freeman St., - Condo top two floors and use first floor as meeting room, VSB usage, receptionists, etc. This will also reduce the tax levy. Snow removal - change law so we can dump snow in Harbor. - ask Selectmen to help on this. In favor of windmill.

Lynn Davies - Thanks to DPW and private contractors for excellent job during and after the Blizzard of 2005.

Rachel White - Agrees with Ms. Rushmore in putting snow in the Harbor. Clarified here statements at the last Board of Selectmen meeting re: Insurance payments for Retirees.

3. **SELECTMEN'S STATEMENTS**

**Mary-Jo Avellar**

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Barnett Adler for his service while on the Planning Board.***

***Motion by: Mary-Jo Avellar                      Seconded by: Richard Olson                      Yea 3 Nay 0***

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to the DPW, Police Department and the National Guard for the Herculean job during the Blizzard of 2005.***

***Motion by: Mary-Jo Avellar                      Seconded by: Richard Olson                      Yea 3 Nay 0***

Re: Ms. Rushmore's comments on dumping snow in the Harbor. It is not any old law - it comes under the Clean Water Act and only if we have no other place to put it can we use the Harbor.

Energy law - we're very much interested in Wind Energy. During the recent Blizzard 100 Bradford Street was 27 hours without electricity. NSTAR has been doing a miserable job in taking care of the energy needs at this end of the Cape.

***MOTION: Move that the Board of Selectmen vote to have a meeting with representatives from NSTAR as to exactly what the problems are supplying this end of Cape Cod with energy.***

***Motion by: Mary-Jo Avellar                      Seconded by: Richard Olson                      Yea 3 Nay 0***

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Marilyn Downey and her Red Cross volunteers and the Soup Kitchen who provided food during the Blizzard of 2005 and during the fire at St. Peter the Apostle Church.***

***Motion by: Mary-Jo Avellar                      Seconded by: Richard Olson                      Yea 3 Nay 0***

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to the Provincetown Fire Department and the other seven Fire Departments from surrounding towns for their efforts in containing that terrible fire at St. Peter the Apostle Church.***

***Motion by: Mary-Jo Avellar                      Seconded by: Richard Olson                      Yea 3 Nay 0***

**Richard Olson**

The fire at St. Peter the Apostle Church was an awful blow to this town. Bishop Coleman said at the Mass on Saturday that 'we will rebuild'. And he also recognized Chief Mike Trovato and our Volunteer Fire Department for their tremendous efforts and support.

Town Staff response to the Blizzard of 2005 was tremendous and overwhelming.

Community Preservation Committee - approved bringing to Town Meeting using \$1.9M of their borrowing authority for Affordable Housing for the Cape End Manor project.

Wind turbine - Article in today's Cape Cod times re: Mass Maritime Academy looking into a wind turbine. They are predicting that they will save \$100K a year.

State of Emergency - what is a State of Emergency? Many sight seers riding around on Commercial Street the

first sunny day after the blizzard. Encourage people to be pedestrians rather than motorists - especially in a situation where they don't need to be riding around when the streets need to be cleared.

### **Cheryl Andrews**

My colleagues have mentioned the fire at St. Peter the Apostle Church and more than adequately expressed our appreciation for our Volunteer Fire Department.

Mentioned 1) The Boston Globe's article on Fire Departments and 2) a phone call from her sister who expressed her feelings relative to our volunteer firemen as seen on television.

Reinforced how grateful and appreciative we all should be for our Volunteer Fire Department.

Very, very proud of our Fire Department.

## **4A BOARD OF SELECTMEN - APPOINTMENTS**

***MOTION:*** Move that the Board of Selectmen vote to appoint Laurel Guadagno as an Arts Community Representative on the Visitor Services Board with a term expiration date of June 30, 2007.

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Olson      Yea 3 Nay 0

***MOTION:*** Move that the Board of Selectmen vote to appoint Heidi Schmidt as a regular member of the Recreation Commission with a term expiration date of December 31, 2007.

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Olson      Yea 3 Nay 0

## **5A VISITOR SERVICES BOARD - FY 2005 TOURISM FUND**

Approval of Enhancement Project & Grant

***MOTION:*** Move that the Board of Selectmen approve funding from the Tourism Fund of the following as recommended by the Visitor Services Board FY 2005 (1) municipal enhancement project: \$5,000 – Provincetown Pier Corporation for the purchase of benches and (2) FY 2005 promotional grant: \$3,000 for Provincetown Theater's "Trip the Light Fantastic."

**Motion by:** Mary-Jo Avellar...      **Seconded by:** Richard Olson      Yea 3 Nay 0

## **5B TOWN CLERK**

2004 Town Report Dedication

***MOTION:*** Move that the Board of Selectmen vote dedicate the 2004 Annual Town Report to those current and former Town board members and employees who died during calendar year 2004, as contained in the list of names submitted by Town Clerk Douglas Johnstone.

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Olson      Yea 3 Nay 0

## **5C OPEN SPACE COMMITTEE**

Amend Programmatic Spending Plan for Land Bank

***MOTION:*** Move that the Board of Selectmen vote to amend its February 28, 2000 vote and approve the programmatic proposal on use of the Town of Provincetown's borrowing authority under the twenty-year Land Bank program as requested by the Open Space Committee as follows: ~~20%~~ 0% for aquifer protection, 10% for affordable housing, 10% for recreation, 35.9% for pond frontage, and ~~24.1%~~ 54.1% for natural preserve and active & passive recreation.

**Motion by:** Mary-Jo Avellar      **Seconded by:** Richard Olson      Yea 3 Nay 0

***MOTION:*** Move that the Board of Selectmen vote to schedule as a future agenda item (within one month) on the topic of continued participation in the Land Bank

**Motion by:** Cheryl Andrews      **Seconded by:** Mary-Jo Avellar      Yea 3 Nay 0

**5D**            **PROVINCETOWN HOUSING PARTNERSHIP**

Affordable Housing Deed Restriction: 48 Race Point Road

***MOTION:*** *Move that the Board of Selectmen vote to accept and execute the Acceptance of Grant of Affordable Housing Restriction with Kenneth C. Weiss, Trustee of 48-60 Race Point Road Realty Trust, for one affordable housing unit (home ownership) at 48 Race Point Road, as approved as to form by Town Counsel.*

**Motion by:** Richard Olson            **Seconded by:** Richard Olson            Yea 3    Nay 0

**6A**            **MCDBG GRANT CLOSE-OUTS**

CDF 2003, HDSP 2002

***MOTION:*** *Move that the Board of Selectmen to close out the following grants under the Massachusetts Community Development Block Grant program: 2003 Community Development Fund and 2002 Housing Development Support Program.*

**Motion by:** Mary-Jo Avellar            **Seconded by:** Richard Olson            Yea 3    Nay 0

**6B**            **MASS. COMMUNITY DEVELOPMENT BLOCK GRANT**

Schedule Public Hearing on Application: February 7, 2005.

***MOTION:*** *Move that the Board of Selectmen vote schedule a public hearing for Monday, February 7, 2005 at 6 p.m. for the Town of Provincetown's application under the Massachusetts Community Development Block Grant's FY 2005 Community Development Fund program for the rehabilitation of Winslow Street Water Tank No. 2 and general administration, for a total of \$800,000.*

**Motion by:** Mary-Jo Avellar            **Seconded by:** Richard Olson            Yea 3    Nay 0

**6C**            **REGIONAL GRANT APPLICATION**

MCDBG FY -05 CDF

***MOTION:*** *Move that the Board of Selectmen vote to authorize the execution of the joint authorization form for participation in a regional Massachusetts Community Development Block Grant 's Community Development Fund Application for approximately \$720,000 for a Housing Rehabilitation program through the Massachusetts Department of Housing & Community Development.*

**Motion by:** Mary-Jo Avellar            **Seconded by:** Richard Olson            Yea 3    Nay 0

**7.**            **MINUTES OF BOARD OF SELECTMEN MEETING**

***MOTION:*** *Move that the Board of Selectmen vote to approve the minutes of November 8, 2004 (Reg. Mtg.) as printed (SP Absent)*

**Motion by:** Richard Olson            **Seconded by:** Mary-Jo Avellar            Yea 3    Nay 0

***MOTION:*** *Move that the Board of Selectmen vote to approve the minutes of November 29, 2004 (Reg. Mtg.) as printed. (All Present)*

**Motion by:** Mary-Jo Avellar            **Seconded by:** Richard Olson            Yea 3    Nay 0

**8.**            **CLOSING STATEMENTS**

**Mary-Jo Avellar**

**Finger Pier** - we voted parallel design - maybe we made a mistake and should revisit this issue. I just want to go on notice saying that I voted for it but I think I made a big mistake in light of the recent storm.

-  
**Richard Olson** - None

**Cheryl Andrews**

Lights in the Judge Welsh room - humming. Affects the recording of PTV. Keith - will check with the Cable Advisory Commission to see if they will use their budget to pay for improvements to this PTV studio (Judge Welsh Room) to eliminate the hum.

Motion to adjourn by Mary-Jo Avellar at 7:56 pm.

Minutes transcribed by: Vernon Porter, Secretary  
February 1, 2005