

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, FEBRUARY 28, 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, Michele Couture, Sarah Peake Richard Olson

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

Mary-Jo Avellar left the room. Her husband is Asst. Harbormaster.

1A PROVINCETOWN PUBLIC PIER CORPORATION

Marine Management Services Proposal

Open discussion ensued. No motions made.

1B CAPE COD COMMISSION UPDATE

Executive Director Margo Fenn and Provincetown's Representative to the Cape Cod Commission Roslyn Garfield gave a brief update and answered questions on the services the Commission provides to the Town and at what cost. (See attachment #1)

1B1 EOT WATER TRANSPORTATION GRANT

Submit \$500,000 Grant Application (March 4, 2005 deadline)

MOTION: Move that the Board of Selectmen vote to authorize submission of an application to the Massachusetts Executive Office of Transportation under its Water Transportation Capital Funding Program for \$500,000 in ferry terminal improvements to MacMillan Pier, including handicapped accessible public restrooms and sheltered waiting areas for passengers.

Motion by: Mary-Jo Avellar

Seconded by: Sarah Peake

Yea 5 Nay 0

2. PUBLIC STATEMENTS

Elizabeth Gabriel Brooks - Health Agents letter re: rabies. Feels that she needs time to restart dog work group again. Read letter from Howard Burchman.

Other letters relating to dog leash read into record by: Leslie Parson, Lee Bartell (See attachments #2)

Steve Roderick - Read statement into record re: VSB/Community Development Committee (See attachment #3). Also very supportive of Health Forum and working together to better our community.

Lynette Molnar - opposes merging VSB & Economic Development Committee. Also represents Women's Innkeepers.

Hunter O'Hanian - Suggest we wait until we find out the results of the Adams Grant before any decisions are made.

Mick Rudd - Vice-President of Chamber of Commerce and Chamber's Representative to VSB - In general, as we've said before, the current configuration of the VSB from our point of view has some serious deep and fatal flaws. We would support a change.

Don Murphy - Spoke about a 'paradigm' for future of the town.

Patricia Fitzpatrick - The VSB mission and vision has changed. It is time for a new vision for the future. I would love to see us become a place where we teach people how to do theatre and to write and how to become an art colony.

3. **SELECTMEN'S STATEMENTS**

Richard Olson

MOTION: Move that the Board of Selectmen vote to send a letter to Mike Murray for his service as Acting Cape Cod National Service Superintendent.

Motion by: Richard Olson Seconded by: Mary-Jo Avellar Yea 5 Nay 0

Sarah Peake

Thanks to all for your comments on the dog leash. There is nothing on our agenda this evening regarding this item. However, I have heard that there needs to be more public discussion and input before we would retract something and bring it before town meeting in the first place.

Letter from a former member of Library Board of Trustees bringing to our attention that the Library Technology Resource Sharing Account has been cut \$4M.

MOTION: Move that the Board of Selectmen vote to send a letter to our representatives in the General Court and to the State Senator Therese Murray, Chairperson of the Senate Ways and Means Committee and to State Representative Robert Deleo, Chair of the House Way and Means Committee to restore funding to this line item for the Library Technology resource sharing.

Motion by: Sarah Peake .. Seconded by: Mary-Jo Avellar Yea 5 Nay 0

(Making the point that our library, as many are on the Cape, are geographically remote and depend upon the CLAMS system - and it is this technology's system that allows the library's to share information. The direct impact CLAMS has on our budget has been an increase in our town share to support library services just to keep them equal.)

MOTION: Move that the Board of Selectmen vote to send a letter to Massachusetts Municipal Association voicing our support for the MSA vote on school funding and ask that they honor this vote and show us proof of their support of this vote by actively lobby on behalf of this motion.

Motion by: Sarah Peake .. Seconded by: Mary-Jo Avellar Yea 5 Nay 0

Mary-Jo Avellar

Dog issue - I support the dog leash law. But I also support the Health Agent if she thinks she needs to go before town meeting.

Saturday, March 12, 2005 is the 15th Anniversary tenure of our Town Manager Keith Bergman. Congratulations!

Michele Couture

The dog issue came from a letter relating to funding for the Cape Cod Oral Rabies Vaccine and had nothing to do with any conspiracy to undermine the leash law. I've had several discussions with the Health Inspector who's concerns were addressed in a forum that she attend with our Animal Control Officer and other Cape Cod Health Inspectors; with the cessation of this ORV program - there is a very real concern of the spread of rabies. The Health Inspector is absolutely correct in being pro-active in this matter and I commend her efforts.

Pat Pajaron - My concern is the lack of funding for the ORV which has been successful in keeping rabies off the Cape for ten years. The concern I have is without this barrier, we will see rabies in Provincetown.

MOTION: *Move that the Board of Selectmen vote to send a letter to our Representatives in the General Court and the Chairs of the Ways and Means Committees asking them to fully fund the Oral Rabies Vaccine Program here on Cape Cod.*

Motion by: Sarah Peake .. **Seconded by:** Mary-Jo Avellar **Yea 5 Nay 0**

MOTION: *Move that the Board of Selectmen vote to send a letter of congratulations to the Provincetown Volunteer Fire Department for being the “Best on the Cape -In Response Time” as so noted in the Cape Cod Times.*

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

Also, would like to have a ‘Firemen’s Appreciation Day’ sometime in the near future.

Discussions with Truro re: Water. We need to look at meeting with them again soon to find out what progress has been made, etc.

Laundromat report. April 1, 2005 report due. We need to meet with Water & Sewer Board.

MOTION: *Move that the Board of Selectmen hold a Cape End Manor Health Forum on Tuesday, March 15, 2005 and invite the New England Deaconess to attend.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

Cheryl Andrews

Wasterwater initiative - Our tax dollars go into county funds. Keep an eye on it. This is an important issue for all of us. Keep reading the Cape Cod Times. I will be doing what I can behind the scenes to find out how many dollars from Provincetown goes into the pool - because they don’t want to tell me.

Mary-Jo Avellar recused herself and left the room as she intends to run for the Town Moderator’s position.

3A FILLING TOWN MODERATOR VACANCY

Permanently (MGL C.41,§10) and Temporarily (MGL C.41,§11)

MOTION: *Move that the Board of Selectmen vote to place onto the May 3, 2005 Annual Town Election pursuant to MGL C.41,§10 the office of Town Moderator to fill the unexpired term created by the resignation today of Elizabeth Steele-Jeffers effective immediately, and that the record of this vote taken in the presence of the Town Clerk shall constitute written notice as required by MGL C.41,§10.*

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

MOTION: *Move that the Board of Selectmen vote to invite applications to fill the position until the May 3, 2005 Election by appointment pursuant to MGL C.41,§11; and schedule a special meeting therefore for Wednesday, March 9, 2005 at 6 p.m.*

Motion by: Sarah Peake **Seconded by:** Richard Olson
Yea 3 Nay 1 (Michele Couture)

Mary-Jo Avellar handed her written resignation to the Town Clerk effective May 2, 2005 so that she may run for the unexpired one-year term as Town Moderator.

3B FILLING SELECTMAN VACANCY

Permanently at May 3, 2005 Town Election Ballot

MOTION: *Move that the Board of Selectmen vote to place onto the May 3, 2005 Annual Town Election pursuant to MGL C.41, §10 the office of Selectman to fill the unexpired term created by the resignation today of Mary-Jo Avellar effective May 2, 2005, and that the record of this vote taken in the presence of the Town Clerk shall constitute written notice as required by MGL C.41, §10.*

Motion by: Michele Couture **Seconded by:** Sarah Peake
Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar)

4. **BOARD OF SELECTMEN - APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to table this item until the March 14, 2005 meeting.*

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

5A **ART COMMISSION**

Loan Agreement with Cahoon Museum

MOTION: *Move that the Board of Selectmen vote to authorize execution of a loan agreement with the Cahoon Museum of American Art in Cotuit for loan of Town-owned art to said organization, as approved by the Art Commission.*

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

5B1 **MDPH HIV/AIDS HOME HEALTH GRANT**

Contract Amendment/Close-out

MOTION: *Move that the Board of Selectmen vote to authorize the execution of an amendment to the Town's grant agreement for the HIV Home Health Grant with the Massachusetts Department of Public Health reducing the total contract amount by \$166,670, total grant obligation to \$1,481,442.50, and thus close-out the grant term June 30, 2005.*

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

5B2 **MDPH HIV/AIDS HOME HEALTH GRANT**

VNA Sub-Contract Amendment

MOTION: *Move that the Board of Selectmen vote to authorize the execution of an amendment to the subcontract with the VNA of Cape Cod, Inc. for the provision of services outlined in the Town's grant agreement for the HIV Home Health Grant with the Massachusetts Department of Public Health for the period of July 1, 2004 to June 30, 2005 reducing the total contract amount by \$15,400, total contract obligation to \$62,400.*

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

5C **ASSESSORS: INTERIM REVALUATION & RECERTIFICATION**

Award Contract - Paul S. Kapinos & Associates, \$60,000

MOTION: *Move that the Board of Selectmen vote to award a contract to sole proposer Paul S. Kapinos & Associates of South Hadley, Massachusetts in the total amount of \$60,000 for FY 2005 interim year update (\$15,000) and FY 2006 recertification and commercial revaluation services (\$45,000) for the Provincetown Assessing Department, with the FY 2006 services subject to appropriation.*

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

6. **TOURISM & ECONOMIC DEVELOPMENT**

Considering Articles for April 2005 Town Meeting

MOTION: *Move that the Board of Selectmen vote to insert articles onto the April 4, 2005 Annual Town Meeting warrant as follows:*

(1) Amend article for Council on Tourism & Economic Development to add: "provided that members of the Visitor Services Board whose terms expire after June 30, 2005 shall continue to serve on the reconstituted Council on Tourism & Economic Development until the expiration of said terms."

Motion by: Cheryl Andrews **Seconded by:** Mary-Jo Avellar
Yea 3 Nay 2 (Sarah Peake / Michele Couture)

(2) Expenditures from the Tourism Fund 406,703.

Motion by: Mary-Jo Avellar **Seconded by:** Richard Olson
Yea 3 Nay 2 (Sarah Peake / Michele Couture)

7. **OUTER CAPE HEALTH SERVICES - HEALTH FORUM**

Mr. Henry Tuttle, Executive Director

Open discussion ensued.

MOTION: *Move that the Board of Selectmen vote to co-sponsor a Health Symposium to be held during the second or third week in April 2005.*

Motion by: Michele Couture **Seconded by:** Mary-Jo Avellar
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

8A **INSERT TOWN MEETING WARRANT ARTICLES**

April 4, 2005 Annual & Special Town Meetings

MOTION: *Move that the Board of Selectmen vote to insert the following Articles on the April 4, 2005 Special Town Meeting.*

Article 3. Cape End Manor Care Campus Land Exchange Expenses.

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

MOTION: *Move that the Board of Selectmen vote to insert the following Articles on the April 4, 2005 Annual Town Meeting.*

Article 3. FY 2006 Enterprise Funds.

Motion by: Mary-Jo Avellar **Seconded by:** Sarah Peake
Yea 4 Nay 0 Abstain 1 (Cheryl Andrews)

Article 6. Apply School Budget Reduction to Reduce SBA Debt Service.

Motion by: Mary-Jo Avellar **Seconded by:** Sarah Peake Yea 5 Nay 0

Article 7. FY 2006 Capital Improvements Program.

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

Article 8. FY 2006 Revolving Accounts

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

Article 9. Funding FY 2006 Twenty-seventh Pay Period

**Motion by: Michele Couture Seconded by: Richard Olson
Yea 4 Nay 0 Abstain 1 (Mary-Jo Avellar)**

Article 14. General By-Law Amendment: Trees & Shrubs: Height Restrictions for Traffic Safety.

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

Article. Fourth of July Fireworks. To see if the Town will vote to raise and appropriate or transfer from available funds the sum of \$23,000 to be expended under the direction of the Director of Public Works for the Fourth of July fireworks display; and costs associated therewith , or to take any other action relative thereto.

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

9. MINUTES OF BOARD OF SELECTMEN MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 7, 2005 (Reg. Mtg.) with changes so noted. (All Present)*

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

MOTION: *Move that the Board of Selectmen vote to approve the minutes of February 22, 2005 (Spsl Mtg.) as printed. (RO Absent)*

**Motion by: Sarah Peake Seconded by: Mary-Jo Avellar
Yea 4 Nay 0 Abstain 1 (Richard Olson)**

10. CLOSING STATEMENTS

None

Motion to adjourn by Mary-Jo Avellar at 10:05 pm

Minutes transcribed by: Vernon Porter, Secretary
March 3, 2005