

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – MONDAY, APRIL 11, 2005

### JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:17 PM noting the following attendees:

Board of Selectmen members: Cheryl Andrews, Michele Couture, Sarah Peake Richard Olson

Excused Absence: Mary-Jo Avellar

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

#### 1. TRAFFIC HEARING CONTINUED

Intersection of Bradford @ Howland

Members of the Public were allowed to speak, including the owners of Teddy Sea's Market.

Open discussion ensued.

***MOTION:*** (1) *Move that the Board of Selectmen ask the Cape Cod Commission Traffic Engineers for an cost estimate to study the intersection of Bradford and Howland; and to have staff bring recommendations back to the Board of Selectmen.*

(2) *To request that the Traffic Team bring us additional information on sidewalk and curb designs in front of Teddy's Seas establishment on the corner of Bradford and Howland Streets.*

(3) *That we authorize the painting of "Dangerous Intersections" on the street East and West of Howland and Bradford Streets and that we endorse the stepped up enforcement against speeding by the Police Department in that area.*

Motion by: Sarah Peake

Seconded by: Michele Couture

Yea 4 Nay 0

#### 2. PUBLIC STATEMENTS

Lynn Davies - Concerned about increase in condo conversions and loss of room tax revenues available for promotion of tourism. How do we address this issue. Ask that the Board of Selectmen consider a committee to study this. Oral Rabies Vaccine - Ask that we re-establish this. Special Gift Fund for Lopes Square - thank you to everyone for their support of this.

Joan Lenane, representing The Provincetown Banner - Ask Board of Selectmen to reconsider the taking of the unloading space located at 164 to 167 Commercial Street during the Traffic Hearing on March 28, 2005.

#### 3. SELECTMEN'S STATEMENTS

##### Richard Olson

In answer to Ms. Davies comments re: Condo conversions - non one has yet figured out a way to discourage them.

Open discussion ensued.

Sarah Peake - Would like a future joint meeting with Affordable Housing Task Force. Also would like a financial analysis on the real estate property tax impact. Pursue short-term rentals.

***MOTION:*** *Move that the Board of Selectmen vote to reschedule Agenda item #6 of the Annual Traffic*

*Hearing for April 25, 2005 meeting and further to suspend implementation of any action previously voted upon at the Annual Traffic Hearing relative to this item.*

**Motion by: Richard Olson      Seconded by: Michele Couture  
Yea 3 Nay 0 Abstain 1 (Sarah Peake)**

(Sarah Peake stated that since the applicant is a guesthouse owner, she would abstain.)

Town Meeting was a joy and the fact that we achieved a civic consensus on our major issue, the Cape End Manor, as well as across a broad range of issues was heartwarming to me.

New library - enjoyed helping move new books and other materials. Getting inside the new library is a joy.

### **Sarah Peake**

Oral Rabies Vaccine - It is on the radar screen of the County. Our secretary has made inquiries of people who work in the Health Department there and there is money in the budget for continued baiting in the 'elbow' (Chatham, Harwich, Brewster and Orleans).

Over Sand Vehicle -. Working much better this year. Visited there several days ago to get my permit. The Seashore working with the Citizens Group has created a very good system this year. Customers are happy - Seashore is happy. Everyone is happy and the systems seem to be working very smoothly.

Letter from Peter Bez in his capacity as a member of the ZBA - expressing his appreciation for the ongoing, continued, good work of the new Building Commissioner Doug Taylor and Maxine Notaro.

***MOTION: Move that the Board of Selectmen vote to place the letter received from Mr. Peter Bez referencing Building Commissioner Doug Taylor and Permit Coordinator Maxine Notaro be placed in their respective personnel folders.***

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

***MOTION: Move that the Board of Selectmen vote to send a copy of the notes taken by Michelle Jarusiewicz from the meeting she attended at the Massachusetts Cultural Council Conference on March 28, 2005 and the Governor's Conference on Tourism on March 29 & 20, 2005 to the Economic Task Force Committee, Visitor Services Board and our Tourism Director.***

**Motion by: Sarah Peake      Seconded by: Michele Couture      Yea 4 Nay 0  
*Tuesday - June 21, 2005 - "Town Night" at Orleans - Cardinals Baseball Game.***

### **Michele Couture**

All Town Staff did an excellent job during Town Meeting - my heartfelt thanks.

Special thanks to Roslyn Garfield for stepping up-to-the-plate as our Town Moderator and completing Town Meeting in a record TWO days.

Reminder that Articles passed at Town Meeting - do not take effect until July 1, 2005.

Asked for on-going updates on Cape End Manor Care Campus.

Schedule on a our agenda a work session with Visitor Services Board and Tourism Director for our May 9, 2005 agenda meeting.

Letter from NSTAR re: our concerns at our last meeting, I felt that their response was condescending and snippy.

### **Cheryl Andrews**

***MOTION: Move that the Board of Selectmen vote to ask Provincetown TV and a member of the Board of Library Trustees to meet with the Board of Selectmen to consider providing DVD's of its broadcasts to the public library.***

**Motion by: Cheryl Andrews      .....      Seconded by: Michele Couture      Yea 4 Nay 0**

Town meeting - thank you to the Volunteer boards and all the Staff. Also thanks to all the participants - without

whom we would not have had a wonderful town meeting.

On hotel condo versions I'm interested in what folks have to say and look forward to that discussion. The impact goes beyond room tax; there are lots of other issues - particularly the loss of the short-term rentals.

**4. BOARD OF SELECTMEN - APPOINTMENTS**

***MOTION:*** *Move that the Board of Selectmen vote to appoint Ms. Jo Lynne Hohl of 14 Nelson Avenue, Apt B, as Provincetown's Representative on the Cape Light Compact Governing Board.*

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

**5A LOPES SQUARE IMPROVEMENT PROJECT**

Establish Special Gift Fund [MGL C.44,§53A]

***MOTION:*** *Move that the Board of Selectmen vote pursuant to MGL Chapter 44, section 53A, to establish a special gift fund, with the balance in said fund to be expended without further appropriation by the Board of Selectmen for improvements to Lopes Square.*

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

**5B1 GEORGE WRIGHT SOCIETY CONFERENCE EXPENSES**

Reimbursement from Gift Fund [MGL C.44,§53A]

***MOTION:*** *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$561.56 from the CCNS Conference Gift Fund for the reimbursement of expenses incurred by the Town Manager in attending the George Wright Society's Biennial Conference entitled "People, Places, and Parks: Preservation for Future Generations," to be held from March 14 to 18, 2005 in Philadelphia.*

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

**5B2 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 \$2,093.96 from the Library Building Furniture Gift Fund for the payment of the attached invoice.*

**Motion by:** Michele Couture      **Seconded by:** Richard Olson  
**Yea 3 Nay 0 Abstain 1 (Sarah Peake)**

**5B3 TREASURER'S TRANSFERS**

John Anderson Francis Scholarship fund

***MOTION:*** *Move that the Board of Selectmen vote, as Commissioners of the Gift Funds, to approve the transfer of \$4,548.00 from the John Anderson Francis Scholarship Fund for the payment of awarded scholarships and a vendor invoices.*

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

**5C1 PARADE PERMIT REQUEST**

American Lung Association of Massachusetts, Inc.

***MOTION:*** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Community Program Coordinator Lauren Abber on behalf of the American Lung Association of Massachusetts, Inc., 25 Spring St., Walpole, MA to hold their 2005 "Autumn Escape Bike Trek" scheduled*

to take place on Sunday, September 18, 2005 from 8:30 AM to 3:30 PM with no rain date scheduled.

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

**MOTION:** *Move that the Board of Selectmen vote to establish the following policy: “to direct staff to include as a permanent part of the Parade Permit Application, a copy of the town map is to be provided to the applicant to draw the route on, and that in the future, the Board would consider an application incomplete without it.”*

Motion by: Cheryl Andrews      Seconded by: Sarah Peake      Yea 4 Nay 0

**5C2      PARADE PERMIT REQUEST**

Helping Our Women

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Irene Rabinowitz and Beth O’Rourke on behalf of Helping Our Women, 336 Commercial Street #9, Provincetown, MA to hold their 5<sup>th</sup> Annual “By the Sea Bike Trek” scheduled to take place on Saturday, June 11, 2005 from 8 AM to 4 PM with a rain date of Sunday, June 12, 2005.*

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

**5D      VISITOR SERVICES BOARD**

FY 2006 Tourism Grant Awards

**MOTION:** *Move that the Board of Selectmen vote to approve funding from the Tourism Fund of the following FY 2006 tourism grants as recommended by the Visitor Services Board:*

*(A) 3rd Annual IWFFA/Kate Clinton Event, \$3,500;*

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

*(B) Provincetown Harbor Swim for Life, \$2,000;*

Motion by: Sarah Peake      Seconded by: Richard Olson      Yea 4 Nay 0

*(C) Great Music on Sundays at Five, \$2,500;*

Motion by: Sarah Peake      Seconded by: Richard Olson      Yea 4 Nay 0

*(D) Outer Cape Chorale, \$2,000;*

Motion by: Sarah Peake      Seconded by: Richard Olson      Yea 4 Nay 0

*(E) MacMillan Pier Directional Kiosks, \$4,150;*

Motion by: Sarah Peake      Seconded by: Richard Olson      Yea 4 Nay 0

Sarah Peake recused herself and left the room. She is an member of Women’s Innkeepers.

*(F) 21st Annual Women's Week in Provincetown, \$7,200;*

Motion by: Michele Couture      Seconded by: Richard Olson      Yea 3 Nay 0

Sarah Peake returned.

*(G) Provincetown Portuguese Festival, \$7,500;*

Motion by: Michele Couture      Seconded by: Richard Olson      Yea 4 Nay 0

*(H) (H) PAAM Family Week, \$2,000;*

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

***(I) Fantasia Fair 2005, \$3,000;***

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

***(J) Great Provincetown Schooner Regatta, \$10,000;***

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

***(K) Holly Folly, \$5,000;***

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

***(L) Monumental Yard Sales, \$4,000;***

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

***(M) GMDVP Provincetown Birdman, \$5,000;***

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

***(N) 6th Annual By The Sea Bike Trek, \$1,000;***

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

***(O) Library Building Fund, \$5,000;***

**Motion by: Michele Couture      Seconded by: Richard Olson  
Yea 3 Nay 0 Abstain 1 (Sarah Peake)**

***Sarah Peake is an abutter to the new Library***

***MOTION: Move that the Board of Selectmen vote to table this request [(P) Provincetown International Film Festival, \$20,000;] until the April 25, 2005 meeting and to invite the applicant to the meeting.***

**Motion by: Sarah Peake      Seconded by: Richard Olson      Yea 4 Nay 0**

***(Q) Support of Fall '05 Workshop Program, \$2,500;***

**Motion by: Michele Couture      Seconded by: Richard Olson      Yea 4 Nay 0**

***(R) Bear Week 2005, \$1,750;***

**Motion by: Sarah Peake      Seconded by: Richard Olson      Yea 4 Nay 0**

***(S) Third Annual Castle Hill "Paints the Town", \$1,500;***

**Motion by: Sarah Peake      Seconded by: Richard Olson      Yea 4 Nay 0**

***(T) Mates Leather Weekend, \$3,000;***

**Motion by: Sarah Peake      Seconded by: Richard Olson      Yea 4 Nay 0**

***(U) Crown & Anchor Theatre Series Die Nasty, \$3,000;***

**Motion by: Sarah Peake      Seconded by: Michele Couture  
Yea 2 Nay 2 (Cheryl Andrews / Richard Olson) - *Motion Fails* -**

***MOTION: Move that the Board of Selectmen vote to table this request [(V) Year Rounders Festival, \$500;] until the April 25, 2005 meeting and to invite the Tourism Director to the meeting.***

**Motion by: Sarah Peake      Seconded by: Richard Olson      Yea 4 Nay 0**

***(W) 3rd Annual Norman Mailer Conference, \$3,000;***

**Motion by: Michele Couture      Seconded by: Richard Olson      Yea 4 Nay 0**

**MOTION:** *Move that the Board of Selectmen vote to accept a grant of \$15,000 from the Executive Office of Public Safety – Programs Division under the FY 2005 Firefighting Equipment grant program for hoses and nozzles and to authorize the Fire Chief to execute such grant contract.*

**Motion by:** Sarah Peake                      **Seconded by:** Richard Olson                      Yea 4    Nay 0

**6B            TOWN MEETING FOLLOW-UP**

Recap of April 4, 2005 Special & Annual Town Meetings

Discussion ensued. No motions made

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of March 9, 2005 (Reg. Mtg.) as printed (MJA Absent)*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of March 29, 2005 (Spsl Mtg.) as printed. (CA Absent)*

**Motion by:** Michele Couture                      **Seconded by:** Sarah Peake  
Yea 3    Nay 0    Abstain 1 (Cheryl Andrews)

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of March 29, 2005 (Reg. Mtg.) as printed. (CA Absent)*

**Motion by:** Michele Couture                      **Seconded by:** Sarah Peake  
Yea 3    Nay 0    Abstain 1 (Cheryl Andrews)

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of April 5, 2005 (Town Mtg.) with changes so noted. (All Present) (Change 2<sup>nd</sup> Motion to read: Motion by: Cheryl Andrews and Seconded by: Mary-Jo Avellar)*

**Motion by:** Cheryl Andrews                      **Seconded by:** Richard Olson                      Yea 4    Nay 0

**8.            CLOSING STATEMENTS**

**Richard Olson - None                      Sarah Peake - None**

**Michele Couture**

**MOTION:** *Move that the Board of Selectmen vote to send a letter of thanks to the students of the Veteran's Memorial School and the volunteers for their decorations and food during Town Meeting.*

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

**9.            LITIGATION STRATEGY**

Collective Bargaining Strategy [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 collective bargaining; and to not convene in open session thereafter. [Roll Call Vote]*

**Richard Olson - Yes                      Michele Couture - Yes**  
**Sarah Peake - Yes                      Cheryl Andrews - Abstain**

**Motion by:** Michele Couture                      **Seconded by:** Richard Olson  
Yea 3    Nay 0    Abstain 1 (Cheryl Andrews)

Cheryl Andrews left the room due to conflict. Her father is a resident of the Cape End Manor.

The Board went into executive session at 9:37 p.m.

Minutes transcribed by: Vernon Porter, Secretary  
April 13, 2005