

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, SEPTEMBER 26, 2005

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews opened the meeting at 6:07 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, Town Counsel Jeanne McKnight

Recorder: Cheryl Andrews

The following are meeting minutes, in brief.

1. REALLOCATING GALLONS – ECONOMIC DEVELOPMENT

Finalizing Zoning and General By-Law Amendments

How do we explain this? Letters to Provincetown Business Guild and Chamber.

Handout – website – mailing

MOTION: Move that the Board of Selectmen ask Staff for a cost estimate for producing and mailing out comprehensive literature for Special Town Meeting this fall.

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

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MOTION: Move that the Board of Selectmen vote to change the last line of paragraph #4 on Page 3 as follows:

“remove the words ~~“conducive to year-round economic development”~~ and replace it with “for purposes consistent with the Permit Guidelines and the conditions pursuant to which the economic development permit was issued.”

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

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Consistent with its mission.

MOTION: Move that the Board of Selectmen add the words “be consistent” in Paragraph 6. (Use same wording as in Paragraph 4).

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

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MOTION: Move that the Board of Selectmen vote to keep in the preamble as nearly as feasible year-round economic development.

Motion by: Richard Olson Seconded by: No second

MOTION: Move that the Board of Selectmen vote to insert the following article onto the next special town meeting warrant: (A) General By-law Amendment – Establish Economic Development Council and Economic Development Permits (as amended); and (b) Zoning By-law Amendment – Create a Growth Management Surplus Gallonage Pool available for reallocation for year-round economic development.

**Motion by: Sarah Peake Seconded by: David Nicolau
Yea 4 Nay 1 (Michele Couture)**

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.40A,§5, to refer the proposed zoning amendment to the Planning Board for a public hearing.

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

2. **PUBLIC STATEMENTS**

Peter Souza - Regarding new tracks. Signs – he was on National Parks Service land. 3 pm Saturday – two motorcross bikes were destroying land – around the treatment plant and below the treatment plant into wetlands. They cut a path 4 or 5 ft. wide for a half-mile parallel with Route 6 West between the 40 acre parcel the town owns and under the management of the Conservation Commission and onto the State land. They also cut huge limbs and did clearing. Their attitude is that they have a right to do that because of the 1995 Annual Town Meeting vote. I hope we can all work together and resolve this.

3. **SELECTMEN’S STATEMENTS**

Richard Olson - None

David Nicolau

Re: Motorcross - I visited the site and the record is clear that they do not belong there. We need to figure this out. I think we are doing that and I want to protect our conservation land.

Sarah Peake

MOTION: Move that the Board of Selectmen vote to schedule a joint meeting with the Cape Cod National Seashore General Management Plan Implementation Advisory Committee and the Cape Cod National Seashore Superintendent George Price for October 11, 2005 at 6 p.m.

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

MOTION: Move that the Board of Selectmen vote to get a written update from the Town Manager on his progress in meeting the FY 2006 goals by mid-October.

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

Cheryl Andrews

Re: Recent activity out at Site 6 – on North side of Route 6. I visiting the area this weekend and to see someone take – what had to be a chainsaw – on such a big tree why anyone would think they had the right to do this on a piece of town conservation controlled land is beyond me. I’m glad I got to see it and I’m glad I went out there. I congratulate the Conservation Commission for taking the issue so seriously. The Town does as well. I hope some more reasoned adult minds can prevail here. We need a concerted message from the entire town that this isn’t going to be tolerated. Thank you for the help you are providing. And thank you Peter for keeping an eye on the property out there.

National Park Services hearing – Bike paths – It was a nice meeting to attend and we explained to George why the Bike Path is loved by so many. They are listening to the folks that live here and use it. I raised the issue with Supt. Price of how we can get a more user friendly bike path from the center of town up to the Beech Forest entrance way.

Michele Couture

MOTION: Move that the Board of Selectmen vote to request a report on why the septic system for the Maguire/Thomas property in Truro has not been installed yet.

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

MOTION: Move that the Board of Selectmen vote to schedule an update on “Goal of Wind Energy” by year’s end.

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

Handicapped parking – is free and cost thousands. We need to look at this.

MOTION: Move that the Board of Selectmen vote to ask for more information on how and when Town

Meeting adopted such a law and how to rescind handicapped parking.

Motion by: Michele Couture **Seconded by:** Sarah Peake
Yea 1 Nay 4 - DOES NOT PASS -

MOTION: *Move that the Board of Selectmen vote to include handicapped parking and fee structures in the staff report on parking plan.*

Motion by: Michele Couture **Seconded by:** Richard Olson
Yea 4 Nay 1 (Cheryl Andrews)

Trucks idling and parking on sidewalks on Commercial Street needs to be addressed.

MOTION: *Move that the Board of Selectmen vote to receive an update on the Cape End Manor permitting process. [DON, CCC, DRI.]*

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

4. BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Ilene Charles as a Regular Member to the Council on Aging with an expiration date of December 30, 2007.*

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

David Nicolau recused himself and left the room.

5A DISPOSITION PHS ANNEX PROPERTY

Lease – Provincetown Center for Coastal Studies – Peter Borelli attended.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C.30B,§16, to approve a lease with the Provincetown Center for Coastal Studies for the PHS Annex property for a term beginning September 26, 2005 and ending on the earlier of the date on which PCFCS purchases the property or November 30, 2005.*

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

5B CAPE LIGHT COMPACT UPDATE

Update from our CLC Representative – Jo Lynne Hohl

MOTION: *Move that the Board of Selectmen vote to oppose House Bill 3291, which would make the Cape Light Compact representative an elected position, rather than an appointment of the Board of Selectmen.*

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

5C TRANSPORTATION CENTER – STEERING COMMITTEE

Update – CCC Transportation Planner Clay Schofield

MOTION: *Move that the Board of Selectmen vote to establish an ad hoc steering committee for the Provincetown Transportation Project to include representatives of the Provincetown Public Pier Corporation, the Airport Commission, the Provincetown Business Guild and the Chamber Executive Director or their designees, and a staff person.*

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

5D HOUSING DEVELOPMENT SUPPORT PROGRAM

Notice of Intent to Apply – 29 Alden Street; Schedule Public Hearing

MOTION: *Move that the Board of Selectmen vote to authorize the submission of a Notice of Intent to submit a grant application to the Department of Housing and Community Development, under its Housing Development Support Program, in the amount of \$500,000 plus general administration for the Lower Cape Cod Community Development Corporation to acquire and rehabilitate 29 Alden Street for six affordable*

rental housing units and to schedule a public hearing thereon for Monday, November 14, 2005 at 6 p.m.

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

5E PILGRIM MONUMENT

Support Grant Request – Tourism Cares for Tomorrow

MOTION: Move that the Board of Selectmen vote to send a letter of support to the “Tourism Cares for Tomorrow” program for application of the Pilgrim Monument and Provincetown Museum for a grant of \$20,000 for restoration and repair work at the Pilgrim Monument.

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

MOTION: Move that the Board of Selectmen vote to take agenda item 5F2 and F51 out of order.

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

5F2 SUPPORT SEA CLAM RESTORATION PROJECT

Joint Provincetown/Truro/MBL Project to Restore Sea Clams to Our Area

MOTION: Move that the Board of Selectmen vote to support the Shellfish Committee’s joint project with the Truro Shellfish Committee and the Marine Biological Laboratories in Woods Hole for restoring sea clams in Pilgrim Lake and the area near its outflow pipe and/or in Hatches Harbor, with a local match of \$3,000 in FY 2007 and in FY 2008, subject to appropriation.

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

5F1 SHELLFISH CONSTABLE

Open Public Shellfish Area West of the Breakwater: 10/30/05

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.130,§52 and the Selectmen’s Recreational Shellfish Regulations, to approve opening the public shellfishing area west of the breakwater located at the west end of town on Sunday, October 30, 2005.

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

The Board recessed for 5 minutes.

6A 2005 MCDBG – WATER TANK REHABILITATION

Design & Engineering/Environmental Partners Group Inc.

MOTION: Move that the Board of Selectmen vote to approve and execute a contract with Environmental Partners Group, Inc. of Hingham, Massachusetts in an amount not to exceed \$85,200 for design engineering services for the Winslow Street Water Tank No. 2 rehabilitation project funded by the Massachusetts Department of Housing and Community Development under its 2005 Massachusetts Community Development Fund program.

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

6B DPW: WATER – NORTH UNION FIELD, TRURO

Contract – Environmental Partners Group, Inc - \$27,500

MOTION: Move that the Board of Selectmen vote to authorize execution of an engineering contract amendment in the amount of \$27,500 with Environmental Partners Group, Inc. of Hingham, Massachusetts, for drilling of an additional exploratory well at North Union Field in Truro to help ascertain the well site locations at said property which will produce the highest yield. Further to amend the scope (#7) to provide that the one Environmental Partners Group presentation be for a joint meeting of the Boards of Selectmen of Provincetown and Truro.

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

6C NATIONAL INCIDENT MANAGEMENT SYSTEM

Adoption as Town Standard for Incident Management

MOTION: *Move that the Board of Selectmen vote to establish the National Incident Management System (NIMS) as the Town standard for incident management, and to execute the document entitled, Designation of the National Incident Management System (NIMS) as the Basis for All Incident Management in the Commonwealth, incorporated herein by reference.*

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

6D1 MacMILLAN PIER CONSTRUCTION

AGM Marine Change Order No. 8 - \$130,935.14

MOTION: *Move that the Board of Selectmen vote to approve Change Order No. 8 for the MacMillan Pier Construction contract with AGM Marine Contractors in the amount of \$130,935.20.*

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

6D2 MacMILLAN PIER CONSTRUCTION PROJECT

Whydah Pier – Order Assessing Improvements Benefits

MOTION: *Move that the Board of Selectmen vote with respect to the reconstruction of MacMillan Pier that the Board of Selectmen does hereby assess a betterment upon the Whydah Museum and Marina at 16 MacMillan Wharf located on a pier or floating dock in and over the waters of the Commonwealth pursuant to License Number 5795 held by Lelio Marino, Peter Grela and Frederick Nolan, Trustees of Provincetown-MacMillan Realty Trust under declaration of trust dated January 28, 2000 and recorded with the Barnstable Registry of Deeds in Book 12986, Page 339, which license is recorded with said Deeds in Book 10784, Page 113, for its proportionate share of project costs under G.L. c.80 in the amount of \$632,334.76, as set out in an Order Assessing Improvement Betterments, and that we sign said order and certify said amount to the Board of Assessors for commitment to the Collector of Taxes.*

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

6E TRANSPORTATION – CAPE COD MPO

Nomination of Selectman representative for Sub-Region C

MOTION: *Move that the Board of Selectmen vote to nominate Sarah Peake as Representative to Cape Cod Metropolitan Planning Organization.*

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

7. JULY 4TH

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing for Monday, December 5, 2005 at 6 p.m. to receive input from the public on the topic of July fourth observances.*

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

8. CLOSING STATEMENTS

Richard Olson – None David Nicolau – None Michele Couture – None

Sarah Peake

Oil tanks – double hulled tanks.

Cheryl Andrews

- Protocol – oil spill?

- Motion to adjourn by Michele Couture at 9:25 p.m.

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