

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, JANUARY 8, 2007

JUDGE WELSH HEARING ROOM

Chairman Cheryl Andrews convened the meeting at 6:00 PM noting the following attendees: Board of Selectmen members: Cheryl Andrews, Michele Couture, Richard Olson, David Nicolau

Excused Absence: Sarah Peake

Other attendees: Town Manager Keith Bergman

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

1A **JOINT MEETING**

Planning Board – 11/13/06 STM Article 12

Planning Board Members Present: Howard Burchman, Ellen Battaglini, Annie Howard, Kevin Rich, Joseph DeMartino.

Howard Burchman - Possible agenda items for tonight - 1) Article 4170 and Article 12; 2) Global Issues; 3) Role of the planning board; 4) 40R smart growth and 5) Planning Board representation on the Community Preservation Committee.

Michele Couture - Expressed her strong disappointment in the way that the Planning Board handled Article 12 before and after Fall Town Meeting. Feels that there needs to be a little bit of healing and understanding between the Planning Board and Board of Selectmen.

David Nicolau – Anybody can put an article together. We need a little education here to see what the appropriate way to go is. Tonight, I want to have a conversation on some of the things the Planning Board has put on the agenda to move forward in a productive way. I want a strong Planning Board to take hold and do their job. All articles end up before them, so why not let them do what they are suppose to do – planning is planning. I just want to make sure that all those that brought Article 12 forward are involved and are invited to your meetings or do whatever you have, and start right away, so that when we get to town meeting in April we all go together --- and we certainly have time to do that. I just want to make sure that the Planning Board is the board that should be looking at this and diving into it and doing that.

Cheryl Andrews – For me, as a public servant, the last eight weeks has been the most painful and I really think we all can do much better than that. I also think that there is a bit of blame to go all around. What I regret the most about how all of this happened is that somehow if you were willing to jump up and support this article you were considered a proponent of affordable housing and if you saw a fault in the article and dared to say so, you were “against affordable housing”. Well anyone who says that, I’m sorry, but they should be a bit ashamed of themselves. You know, it’s not right. I didn’t get to see the article until right before town meeting– it was amended the Thursday night before or a couple of days or a week .. in any case I have a responsibility to go to Town Meeting if I see something wrong I’m going to say so and if I get booed I get booed. We do what we think is best for the town and we follow the law doing it and we look at our responsibilities and in the end hopefully it all works out and we stay friends. This has been a tough time and I’m happy to do what I can as the Chairman of the Board to focus on the goal – which is to get more affordable housing in town and ideally to work on some of these issues and not to expect everybody to jump on board at the last minute when there isn’t enough time for review. I’m grateful that you folks are willing to work on this and let’s see what we can bring forward to the Spring Town Meeting. I, for one, have serious reservations about using a poorly written – this is my feeling about this article – not clearly written and not written in an explanatory way – even in a memo to the Board tonight, from what I know, it still doesn’t .. and I said it at Town Meeting and here tonight..... this memo cites the bylaw incorrectly. I don’t think the way we solve the affordable housing problem is to throw these kinds of bylaws at it. We need to spend the time writing good bylaws – good bylaws that our Zoning Board

knows what they mean, our Planning Board knows what they mean. The public wants it simple and you can't blame them. they want something simple, which is: Affordable housing... Now!! and we got that message, so let's work on that.

MOTION: *Move that the Board of Selectmen send a letter to the Community Preservation Committee showing our concerns that we would like to see members of the Planning Board be able to participate in their meetings and if they could show some consideration in their schedule for that we would appreciate it.*

Motion by: David Nicolau **Seconded by:** Michele Couture Yea 4 Nay 0

Smart Growth – Need to form a new group? Once you pick a new area ..can you add to it? Staff Support ... Planning Board and whom ever else can attend – Paul Ruchinkas. Cheryl Andrews – set a date in February for Board of Selectmen and Planning Board to discuss this further – possibly add someone from Cape Cod Commission to lead us in that discussion. Keith Bergman will invite them.

MOTION: *Move that the Board of Selectmen vote to schedule a joint meeting with the Planning Board on February 7, 2007 at 5:30 re: Smart Growth By-Law.*

Motion by: David Nicolau **Seconded by:** Cheryl Andrews Yea 4 Nay 0

Amend By-Law 4170? Open discussion ensued. People sent the message to town hall and we can work on it later.

MOTION: *Move that the Board of Selectmen vote that it is the policy of the Board of Selectmen to consider working to amend Bylaw 4170 for spring town meeting in order to maintain the general principle but to correct either perceived or actual weaknesses in the bylaw.*

Motion by: Cheryl Andrews **Seconded by:** David Nicolau
Yea 3 Nay 1 (Michele Couture)

1B JOINT MEETING

Historic District Commission – 11/13/06 STM Article 14

Historic District Commission Members Present: John Dowd, Marcene Marcoux, Carol Neal, Polly Burnell,, Nathan Butera, Clo Tepper.

Carol Neal handed out a copy of the Provincetown General Bylaws pertaining to:
15. Local Historic District (See attachment #1)

Cheryl Andrews asked that the HDC give the Board of Selectmen a couple of addresses and a volunteer from the HDC to take them around and show them a few samples of places they are talking about, that have used some of the construction materials that seem to be at issue.

HDC is going to have an Open Public meeting the first of February to receive input from the public.

David Nicolau – was a survey of public opinion ever done? Answer .. Polly Burnell said that the Historic District had done a survey. David Nicolau – would like a copy of it. Cheryl Andrews – Yes, we would like to see the result of the survey

Michele Couture – People want consistency .. but feels that there has not been. Marcene and John explained how each case is handled.

Case by case basis .. sometimes they feel that a second opinion is warranted.. If so, who pays? Keith will check to see if the applicant pays and report back at the next meeting.

Cheryl Andrews – I would get away from telling the public that each case is heard on a case-by-case basis.

What the public needs to understand that there are basic rules and regulations that their case is decided on.

David Nicolau .. keep in mind the key word is reasonableness.

2. **PUBLIC STATEMENTS**

David Ditacchio – Re: his letter to Board of Selectmen dated concerning his request for payment of non-resident mooring fees. Wants to know what the Board of Selectmen is going to settle this matter or is it going to continue to pay Town Counsel. If the town persists on non-payment then he will take this to the Supreme Court.

Ben Thornberry - Re: Article 12 and the Beach Grill permit. -- wants the Board of Selectmen to put a stand against their permit. If this goes through it could set a trend. Feels that there is conflict of interest on the Board of Selectmen and asked that David Nicolau and Cheryl Andrews recuse themselves on this issue.

Jennifer Cabral - Re: Affordable Housing issues. Found comments by Board of Selectmen at the end of the Planning Board condescending. We voted it in ... it's a law. Unhappy with what is happening.

Pam Parmakian - Re: Article 12 and the recent Beach Grill – disapproves of the approval of permit allowing them to proceed with their permit. Renter certification fees - \$65 each .. who is collection these fees? Where is the money? Ask Board of Selectmen to schedule an agenda item on this matter.

Amy Germain - Agree with previous speakers on affordable units not being part of the Beach Grill permit. Re: Historic District Commission – Clarity is needed; time equals money and impact on neighbors is very important on projects as well; safety issues are very important as well and you cannot leave walls up that are ready to fall down.

Clarence Walker - All previous speakers raise good points. Problems are is that we have a Town Manager and Regulatory Manager that are leaving us and are still around making decision that are affecting us. Buy them out.

Peter Bez – The Zoning Board of Appeals is not the enemy. We have to interpret what the by-laws mean and people do not realize this. It is our job to interpret the laws not apply the laws.

Mary-Jo Avellar - If a second opinion is sought on the Historic District Council and the applicants don't like it .. then what happens?

Marcene Marcoux - I know John said case by case. The only time that this is brought up is when “Hardy Plank” is used. Unless it is proved to us that it is in the Historic District we cannot stop its demolition.

Michelle Marchesi - Interested in “renewable energy” in Provincetown – what can the town do next and I as an individual to help with this?

Kerry Adams - Keep Cape Cod National Seashore on your radar this year. Invite them to a Board meeting to discuss the issues at hand. And I do support affordable housing.

Austin Knight – 1) Challenge some of the findings of the Building Inspector for Fire House #2. Also, I've been asking for several years now that all town buildings be inspected. 2) Re: 175 Bradford Street ... I have several questions concerning this - is there a signed lease for year round restaurant? Need to look at all the restaurant licenses and see who is supposed to be open all year? Are we creating a ghost town in the winter now. 3) Fireworks Task Force met today and we are getting our budget together to put before the town meeting. 4) Town Clock – what is going on with it? Demolition – we need to take a look at what is happening. 5) Demolitions - Plan for housing on Alden Street – identify 35 to 40 housing sites – bring this before town meeting in April.

Clarence Walker – Consider looking close at home for our next Police Chief.

3. **SELECTMEN'S STATEMENTS**

David Nicolau

-

Town Clock – So what is it with the town clock? Keith - Is on the Capital request and Sandy Turner is putting together a budget request for a capital project. . Cheryl Andrews - Can we get a report on what's wrong with it and the amount to repair it – we asked for this several months ago.

MOTION: Move that the Board of Selectmen vote to schedule a joint meeting with the Economic Development Council to discuss license fees for year round businesses.

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

A little bit about myself. - The reason that I ran to be a Selectman is because I wanted to give back to a town that has been so good to me. I've been here for 33 years. Whenever I think that I have a conflict or even if I think that I have a conflict I usually step down or I call the Ethics Commission. As far as making decisions that will benefit me financially, I just have to tell you a little bit about some of the things that I have done. I hate to pat myself on the back because I think when you do things, you do things without patting yourself on the back because it is just not right. I give my time to the town -- there was a six unit building on Alden Street a few years ago that my office tried to give to the Community Preservation Committee to get money to make affordable housing that people that were living there for years ... we hated to see them leave. The commission, if we sold it would have been \$50,000. We said that we weren't going to take the commission at all to make it easier for that to happen. When I get my \$1000.00 stipend checks every year from the Town for being Selectmen to work 5,000 hours a year I donate that ...once to the CPA account for housing and this year it went to PTV and next year it will be for something else. I try to do my best. I try to make the best decisions that I can and let the chips fall where they may. Sometimes when such an issue such as affordable housing come up it's hard for people -- it's hard for me too – it's all relative, I make the best decisions I can. So, if you ever have questions and you don't think that I'm doing the right thing I would ask that you give me a call and just ask me and I can explain myself. So I hope that helps for some of the people who had issues tonight. And I am going to keep my commitment to Affordable Housing as I always have. As a matter of fact we have an affordable unit created out of the Amnesty Bylaw that I helped pass a couple of years ago. So I am doing the best I can and that's all I wanted to say tonight and I hope you'll see that. Thanks.

Michele Couture

- Thanked everyone for coming and expressing their opinions .. it certainly has been a diverse and lively discussion . There have been many great ideas put forward.

MOTION: Move that the Board of Selectmen vote to schedule an agenda item on rental certificates and invite staff to attend.

**Motion by: Michele Couture Seconded by: David Nicolau for discussion.
Yea 3 Nay 0 Abstain 1 (David Nicolau)**

My thanks to Ms. Marchesi for her thoughts on alternative energy and possibly forming a board. Also would like to have a future agenda item and invite Mr. Bergman to update us on his presentations that he has given over the country. Suggest we have a new committee on Renewable Energy. Cheryl Andrews suggested that since we have had difficulty keeping a quorum of interested people on our recycling committee, why not consider expanding its scope, and harnessing the energy of both issues?

MOTION: Move that the Board of Selectmen vote to expand the scope of the Recycling Committee to include Renewable Energy.

Motion by: Michele Couture Seconded by: David Nicolau Yea 4 Nay 0

Want to say that I have the utmost confidence in the Building Commissioner and Building Inspector and the Town Manager. We have professionals, I trust their opinions and I'm certainly willing to stand by them. I think that anybody that volunteers for a Board in town has a balancing act to do and it is not always easy. I have to say our Boards are assisted by staff and I trust the staff. I think that we are lucky to have Mr. Bergman and for the time remaining that he has left here I think that his input is valuable and I welcome it.

It should come to no surprise to anybody that I was a champion from the get-go for Article 12, which is now 4170. I don't think it has loop holes. I think it is quite clear in its intent.

I also challenge the Zoning Board of Appeals decision of 137 Bradford Street.

MOTION: *Move that the Board of Selectmen vote to send a letter to Chief Meyer thanking him for his five years of service to the Town.*

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

MOTION: *Move that the Board of Selectmen vote to send a letter of Congratulations to Staff Sgt. Tobias for taking on the responsibility as Acting Chief of Police.*

Motion by: Michele Couture **Seconded by:** David Nicolau **Yea 4 Nay 0**

Re: Comments by Mr. Adams about keeping Cape Cod National Seashore on our radar. We got a responsive letter today from Superintendent George Price and we are keeping them on our radar.

MOTION: *Move that the Board of Selectmen vote to invite the Superintendent George Price of the Cape Cod National Seashore to our February 26, 2007 Board of Selectmen's meeting.*

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

Parking Stickers – email from Pam Nolan asking for reduce parking fees for Truro residents. Answer – there is no change in status.

Richard Olson

We lost part of our human character of Provincetown this week in the passing of Elloyd Hanson owner of Provincetown Book Shop. You may want to take a moment to remember him.

Is there anything such as a Tenants Bill of Right? Where does one turn when there is a problem? Answer: Legal Services for Cape Cod & the Island and also the Interfaith Council in Orleans.

Year round economics sustainability – it's a catch 22 .. if the people aren't here you can't run a business .. however, put the other way .. if businesses aren't open nobody is going to come here. It's just an observation but it is something that discourages me immensely.

Mr. Thornberry made a point in talking about Affordable Housing making reference to closing a loop hole that Article 12 allegedly did and I think that is a misunderstanding – unless I misunderstand since town meeting. The loop hole that is alleged that the growth management bylaw was never an affordable housing promoter it was a water conservation promoter and affordable housing became one of the priorities when you are in the queue but if you're talking about these conversions we're really talking about frequently lowering the water usage. So it is not a growth management issue per se. By itself free standing it is an affordable housing issue and I supported it but then I voted against it on town meeting floor because I had cold feet about the taking without compensation issue as to which I am satisfied now. The fact is that Article 12 passed at town meeting, it is enforced it will be enforced but it does have legal questions. It's fraught with legal questions. In a clear case it's on the books - it'll be enforced. But as we have seen with 175 Bradford Street it can be challenged in particular cases and so if there are loop holes in it – it is no disloyalty to the will of town meeting to say let's fix those and let's make it effective and not shake fingers at each other on this subject. And not that I am going to. I thought that we had agreed with the Planning Board that we were going to move forward in this direction – so, let's do!

Reference was made to anarchy in town government if you don't listen to the people. Tonight we've listened loud and clear but if we were to respond to each and every individual that turns up at a meeting and do what they want – that's my recipe for anarchy. We try to take into account, as your elected Selectmen, all of your opinions and our own views of matters and move forward with confidence. Please respect the efforts we try to make as your supported officials. That's all I ask.

Cheryl Andrews

In response to Madam Moderator – on the issue of what happens when you have two opinions and they conflict .. it is nothing more than an agenda item for us to discuss and talk about if there is a way to make it better. Your point is valid, that's why we need to discuss it.

Personal Comment - In sixteen (16) years of serving this town as a volunteer I have never been so upset as by what I have heard tonight. I am going to trust that in your heart your motivation is not personal at me but more just enthusiasm for the topic. The bottom line is that I will respond and say first that the only way that you can say such a thing is that you don't know me. Which is an amazing thing. I've lived here over 20 years and I spent 16 or 17 of them tirelessly serving the greater good of this town for almost no compensation whatsoever. It's cost me patients. Patients at my office and time out of my practice every time I've come down here during the day or took a phone call, which I do all day long. And the idea I would be motivated, in any of the decisions that I make at this table, for money – while then I guess if that's the case looking at my wallet, I'm a complete failure 'cause I've done everything the wrong way in this town when it comes to making money. At the rate I am going now I may just be able to qualify for some of the units we are talking about. Why? Because it's not what motivates me. And if you knew me, you'd know that. So, I'm upset about what you said but I'm going to share a few things about me that you don't know.

I'll tell you that when people ask me why I have served so many years one of the things I've always said is, "because I rarely have conflicts." I'm not a developer. Never owned anything in town except the building where I work, live and sleep. I'm not a landlord – never have been. The few people that have stayed at my house ... a number of them who couldn't afford a place in town and never had a space – they never paid me – they stayed in my guest room because that's the right thing to do. I don't have a bar or a restaurant. We all know that pretty much precludes service in this town because that is serious money and serious competition. So we lose a lot of our neighbors ... they don't get to sit at this table and I don't have a competitor in town. So, it's never occurred to me anyone would say that. Secondly, I would add that when I joined this Board almost 9 years ago, the Board was giving lip service to the topic of Affordable Housing but never even set a goal .. hadn't even set a number. So, I looked over at Mr. Bergman and said "the least we can do is start. Let's have a number". Do you have any suggestions? And he looked back at me and said sure, the State has a target of 10% and I made that motion and all of sudden for the first time this Board set a numerical goal. Did we think it was the highest we would ever go? No. We all agreed but boy you'd better get to 10 before you worry about getting to 12 .. but have a goal. That was me! For the last year and half or maybe two I have been considering trying to figure out how to put one unit of affordable housing on my property. There are people on this room that I have worked with on this topic and I ended up realizing a couple of things; 1) because there is a pond out behind my house and 2) also we don't have a sewer and I'd have to redo the entire septic system. Bottom line is I am a Selectman and I figured I'd have to wait until I get off the Board anyway to pursue it. I haven't figured out how to get by Conservation to do one unit. So, the only way that you can think somehow I'm going to develop that property is if you think that I am leaving town. I had to think here for about 20 minutes to figure out what you could be talking about. I don't know where you would put the septic system. But it is a cheap shot and if you can find a way that I can build all that housing on my property, please let me know 'cause I'd be thrilled to do it – because this entire town needs to do something about affordable housing – including me – although I'm doing what I can by letting people stay, but it is not enough. I have single handedly championed the idea of developing the center of town at Duarte's Parking Lot. My colleagues are sick of hearing it and most of my friends are sick of hearing it too. We talked about Smart Growth two hours ago. That's where smart growth should be. We're told a 40R project needs to be at the center of transportation, center of town. Its not the best us of property now. And it's also a very difficult area for people to do business in.

There is no reason why we couldn't have shops there and year round apartments .. right in the center of town .. not on the edge of town .. right in the center of town. So you have a livable downtown instead of all these people with their cars and parking and what-not when we're all trying to protect the environment. Bottom line, I've worked on these things for years. You can't do any of this without a sewer. Who worked to build a sewer? Who was nearly run out of town for building a sewer? That was me. Over 20 years in this town working hard and you're going to take a cheap shot at me. Well, I'm going to say back to you that if this continues by the time you get through there is not going to be anybody left to be championing these battles with. OK? I'm not going anywhere. I love this town. I love what's best about this town and there should be year round affordable house rental units and I have been saying so for years. I couldn't get a place to stay when I first came here. I lived with my grandmother down in South Yarmouth and commuted

every day. I grew up here on Cape Cod and there is nobody that I recognized when I moved home except for a couple of people in Provincetown – and you don't know me. I don't know why. I've been here over 20 years. Why? Maybe because instead of doing the social circuit I'm busy working all day and sitting here all night..... for you. And I'm sorry, yeah..... for you..... the people in this town that need my talent, for free time , to help, and that is what I've been doing all these year for free and this what I get back. I'm sorry, I'm hurt. I get to leave in May and have a life again and you know what – you speak for just yourself and not others and I'm sorry to take up all your time – but – I don't hear anybody else saying it so it's time for me to respond. The people that do know me know all the charity that I've done with HOW, all the charity for HIV patients for decades. They know all the time I've helped out the fishermen when one of them died and one of their kids came in my office and didn't have a penny. And you question what motivates me.

Why did I not like that Article? For all the reasons you're hearing – it's poorly written. It's not doing what we need to do. And do I think that one group of people should just pay and foot the bill? No! I think we all should. That's why I voted to put the CPC in. Because I could afford it? No. I'm still paying student loans. But because it was the right thing to do. We all need to chip in. I think all of us need to and I will support those things and I will support these things in the spring. This article, you know what? It doesn't matter to me – if you can find a way that I can give three units to the town – yippee! I'd love to. I can die and feel good. But you know what, I can already go and feel good. I can go tomorrow, I can go right now and know all the wonderful things I've done for this town. It was cheap shot. That's all I can say.

4A BOARD OF SELECTMEN APPOINTMENTS

David Nicolau left the room for a few minutes.

MOTION: Move that the Board of Selectmen vote to approve the appointment of Todd Wagar to the Licensing Board as a Regular Member with a term to expire December 31, 2009.

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

MOTION: Move that the Board of Selectmen vote to approve the appointment of Brian K. Green to the Local Housing Partnership as an Alternate Member with a term to expire June 30, 2009.

Motion by: Cheryl Andrews Seconded by: Michele Couture Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to approve the reappointment of Nathan Butera to the Historic District Commission as a Regular Member representing the Provincetown Business Guild with a term to expire December 31, 2009.

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

MOTION: Move that the Board of Selectmen vote to approve the appointment of E. Clothier "Clo" Tepper to the Historic District Commission as an Alternate Member with a term to expire December 31, 2009.

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

David Nicolau returned

MOTION: Move that the Board of Selectmen vote to approve the appointment of Elizabeth Verde to the Zoning Board of Appeals as a Regular Member with a term to expire December 31, 2009.

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

MOTION: Move that the Board of Selectmen vote to bring in Keith Amato for an interview.

Motion by: Michele Couture Seconded by: David Nicolau

Motion withdrawn by Michele Couture.

MOTION: Move that the Board of Selectmen vote to bring in Keith Amato for an interview.

Motion by: David Nicolau Seconded by: Richard Olson

Yea 2 Nay 0 Abstain 2 (Cheryl Andrews/Michele Couture)

Motion Does Not Pass

4B BOARD OF SELECTMEN APPOINTMENTS

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Cecilia M. Hall as a Regular Member of the Beautification Committee with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of David Mazochi to the Recreation Commission as a Regular Member with a term to expire December 31, 2009.*

Motion by: Richard Olson Seconded by: David Nicolau Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the reappointment of Anna Carter to the Recycling Committee as a Regular Member with a term to expire December 31, 2009.*

Motion by: Richard Olson Seconded by: David Nicolau Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Elizabeth (Ghee) Patrick as a Regular Member of the Recycling Committee with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

. MOTION: *Move that the Board of Selectmen vote to approve the appointment of Michael A. Leger as a Regular Member of the Airport Commission with a term to expire December 31, 2009.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

5A TOWN CLERK

2006 Town Report Dedication

. MOTION: *Move that the Board of Selectmen vote to dedicate the 2006 Annual Town Report to those current and former Town board members and employees who died during calendar year 2006, as contained in the list of names submitted by Town Clerk Douglas Johnstone including the name of Molly Benjamin.*

Motion by: David Nicolau Seconded by: Michele Couture Yea 4 Nay 0

5B CAPE COD WATER RESOURCES RESTORATION PROJECT

Watershed Agreement

. MOTION: *Move that the Board of Selectmen vote to authorize execution of a Watershed Agreement between the Cape Cod Conservation District, the Towns of Barnstable County, the Massachusetts Executive Office of Environmental Affairs, and the USDA Natural Resources Conservation Service for the Cape Cod Water Resources Restoration Project and that there is no financial obligation on the part of the Town of Provincetown*

Motion by: Michele Couture Seconded by: David Nicolau Yea 4 Nay 0

5C FORMER FIRE STATION NO. 2

Repair Costs – 189 Commercial Street – 4th Town Landing

. MOTION: *Move that the Board of Selectmen vote to table until regular meeting on January 22, 2007.*

Motion by: Michele Couture Seconded by: David Nicolau Yea 4 Nay 0

5D TOWN HALL REPAIR PROJECT

Update

MOTION: *Move that the Board of Selectmen vote to table until regular meeting on January 22, 2007.*

Motion by: Michele Couture **Seconded by:** David Nicolau Yea 4 Nay 0

5E TREASURER'S TRANSFERS

Joseph F. Oliver Scholarship Fund

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$2,000.00 from the Joseph Frances Anderson Scholarship Fund for the payment of awarded scholarships.*

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

6A POLICE: GRANT AWARD

2007 Governor's Highway Safety Grant

MOTION: *Move that the Board of Selectmen vote to accept the Traffic Enforcement Grant for \$4,500 from the Governor's Highway Safety Bureau grant program for traffic enforcement.*

Motion by: David Nicolau **Seconded by:** Michele Couture Yea 4 Nay 0

6B MASS. COMMUNITY DEVELOPMENT BLOCK GRANT

Schedule Public Hearing on Application: January 22, 2007

MOTION: *Move that the Board of Selectmen vote to schedule a public hearing for Monday, January 22, 2007 at 6 p.m. for the Town of Provincetown's application under the Massachusetts Community Development Block Grant's FY 2007 Community Development Fund program for water quality improvements including water treatment upgrade and general administration, or any other eligible activity, for an estimated total of \$670,000.*

Motion by: Michele Couture **Seconded by:** David Nicolau Yea 4 Nay 0

6C REGIONAL GRANT APPLICATION

MCDBG FY 07 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 with the Town of Wellfleet for approximately \$800,000 for a Housing Rehabilitation program through the Massachusetts Department of Housing & Community Development.*

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

Cheryl Andrews left the room as she is an abutter to an abutter.

6D LAND BANK ACQUISITION – 74 HARRY KEMP WAY

Order of Taking – Acceptance – Provincetown Theater Company

MOTION: *Move that the Board of Selectmen vote, pursuant to Article 3 of the April 3, 2006 Special Town Meeting, to approve and execute an order of taking and acceptance of deed, as drafted by Town Counsel, for acquisition of a certain parcel of real estate located at 74 Harry Kemp Way from the Provincetown Theater Foundation, Inc., containing 2.0-acres, more or less, copies of which order, deed, and acceptance are made a part hereof, and to execute a conservation restriction to be granted on said parcel to the Trustees of the Provincetown Conservation Trust, and a Self-Help Agreement, both in form acceptable to Town Counsel, and to authorize Town Counsel to record the order of taking, deed, acceptance of deed, conservation restriction, and Self-Help Agreement.*

Motion by: Richard Olson

Seconded by: David Nicolau

Yea 3 Nay 0

Cheryl Andrews returned.

6E FY 2008 BUDGET REVIEW SCHEDULE

Schedule Special Board of Selectmen Meetings for Late January

MOTION: *Move that the Board of Selectmen vote to schedule Budget Review meetings on January 23, 24 and use January 29, 2007, if needed , at 5 PM , and with Item 1 on the 23rd to be “Updated budget on FY 07”.*

Motion by: Cheryl Andrews

Seconded by: Richard Olson

Yea 4 Nay 0

7. MINUTES OF BOARD OF SELECTMEN’S MEETING

MOTION: *Move that the Board of Selectmen vote reschedule this item until our next regular scheduled meeting on Monday, January 22, 2007.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 4 Nay 0

8. CLOSING STATEMENTS

David Nicolau

Of all the public statements that we made tonight, my wish is that people work together and keep their eye on the goal.

Michele Couture - To Keith – Is the Transfer Station construction – is that finished? Can we have an update?

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Jo Lynn Hohl for her service as Provincetown’s Representative to the Cape Light Compact.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 4 Nay 0

Richard Olson - None

Cheryl Andrews – Update on County Wastewater Collaborative.

9A,B & 9C TOWN COUNSEL: LITIGATION STRATEGY

Move that the Board of Selectmen vote to go into executive session, pursuant to MGL Chapter 39, Section 23B, Clause 3 for the purpose of discussing strategy with respect to litigation; and not to convene in open session thereafter. [Roll Call Vote]

Motion by: Michele Couture

Seconded by: Richard Olson

Michele Couture – Yea

Cheryl Andrews - Yes

Richard Olson – Yea

David Nicolau – Yea

Yea 4 Nay 0

Motion Passes

Motion to go into Executive Session by Michele Couture at 10:17 PM.

Minutes transcribed by: Vernon G. Porter, Secretary
February 9, 2006

