

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, MARCH 12, 2007

JUDGE WELSH HEARING ROOM

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

Excused Absence: Sarah Peake, David Nicolau

Other attendees: Town Manager Keith Bergman

Recorder: Vernon Porter

The following are meeting minutes, in brief.

1A1 **PUBLIC HEARING**

Curb Cut Request 22 Alden Street – Continued from 21/26/07

MOTION: *Move that the Board of Selectmen vote, pursuant to Provincetown General Bylaws 11-6-2, approve the request of Cassandra Benson to establish a curb cut at the property located at 22 Alden Street (Assessor's Map 12-1-33-0) (Res 3 Zone); per conditions outline on the sign off sheet and the Building Commissioner memo to the Board of Selectmen dated March 8, 2007.*

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

1B1 **BRING LIFE TO RYDER STREET**

Public Hearing

Rachel White - Can't imagine anyone not wanting this and thanks to all.

Mick Rudd – (Vice-President of Chamber of Commerce) - People really want to see this happen and it will be a tremendous asset to the town and the Chamber is behind it 100%.

Candice Collins-Boden – Executive Director, Chamber of Commerce - New lighting will bring new light to a darkened area. Definitely a great asset

Mary-Jo Avellar - Will be a positive safety issue and an elegant new area and thank the Portuguese Festival for coming up with the idea.

Lynn Davies - Definitely support the Portuguese Festival and offer then any help possible on behalf of the VSB if they need more financial support.

Ginny Ross – I am on the Finance Committee and I think this is a real classy looking development and it will enhance the area.

Public portion of this hearing closed at 6:27 pm.

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Board Comments

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Michele Couture How long and when? Answer – It will take about two weeks to start digging up and about six weeks to get the materials.. Hopefully before Memorial Day. Biggest things is the fixtures.

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Cheryl Andrews - I would suggest that you have one staff person to go to. Any oversight come from the DPW.

MOTION: *Move that the Board of Selectmen vote to authorize the implementation of the project “Bring Life to Ryder Street “ including permanent electrical and telephone services, electrical and telephone outlets, and lamp poles, and to accept such work as a gift from the Portuguese Festival Committee; with oversight to be by the Department of Public Works.*

Motion by: Richard Olson

Seconded by: Michele Couture

Yea 3 Nay 0

1B2 PROVINCETOWN FARMERS’ MARKET

Public Hearing

Proponent Attendees: Bill Schneider, Andrew Pollock, Farmers Market Organizer, VSB Chairman Lynn Davies.

Public Comments

Austin Knight - Condition that the street not be closed. Signage be posted. Hope that it will not affect small businesses.

Bobby Cabral – Clear that Ryder Street will not be blocked and that the road will be open at all times.

Bonnie Campbell - Ryder Street might be a little bit troublesome. Think of the Bas Relief in the future.

Rex McKinsey - I think it is going to be OK. If any problems .. bag the meters and charge the event organizers.

Rachel White – You might get complaints from crafts people because they were upset that they had to stop in that area.

Board Comments

Michele Couture

- Don’t want to see meters being blocked off And don’t want to see the street blocked off as well.

My main concern is the hours. Anticipate all sorts of problems with the suggested hours. What about other days and times – except Saturday??

MOTION: *Move that the Board of Selectmen vote to approve the proposed Provincetown Farmers’ Market to be held in the Ryder Street Parking Lot for 16 consecutive Saturday afternoons commencing June 30, 2007 and concluding October 13, 2007; hours of the parking lot closure to be from 8 AM to 5 PM; open to two-way traffic at all times, and should the need arise for any police detail that the organizers of the Farmers Market will bear the cost; and that they will maintain good communications with local residents at all times.*

Motion by: Michele Couture

Seconded by: Richard Olson

Yea 3 Nay 0

2. PUBLIC STATEMENTS

Rex McKinsey – Provincetown Harbormaster - Informed today that we have been approved for the 604B Water Grant (Water Quality Testing). Working with National Park Service and Truro in order to do water quality sampling for Provincetown Harbor and East Harbor Lagoon (Pilgrim Lake), Hatches Harbor and the Pamet Estuaries. Hopefully we can start to get some hard science as to why the beach closures happen. We will be looking for volunteers to assist us with this water quality testing project.

- Harbor Committee Recommendations to the Board of Selectmen – are the Harbor Regulations that I put forth to them and the Pier Corp. This is the fewest amount of regulations we’ve ever brought forward to you. There is one that may raise some contention ... a request to closed Provincetown Harbor to “mechanical dragging”.

Ribbon Cutting – the restrooms are almost done .. hopefully before the elections. Also the Pavilion will be coming in but it will not be done by election time.

Old Fuel Dock – the John Bennett Memorial Dock - would like the Board to consider naming the entire courtesy float system the John Bennett Memorial Dock. Includes signs, etc.

George Bryant – Barnstable County has a severe deficit due to the lack of income from the Registry and the county is looking for \$1.7 million.

Mrs. Rachel White - 1) Parking area near West End Playground – where are people going to park now that Dairy Queen is gone? 2) Fishermen’s Memorial – don’t forget about it! 3) Mary P. Roderick celebrating her 101st Birthday and Frances Raymond is celebrating her 102nd Birthday this year. Would be nice for the town to sent letters of congratulations.

Austin Knight – Firehouse #2 – is in no danger of collapsing according to our Building Commissioner. Fundraising – for 4th of July – April 21st @ Vixen – Manager is going to do a fundraiser and challenges all the town boards and residents to participate. Over \$10K has been pledge already. A CD is being produced to raise funds at a cost of \$15 each. Will be sending our letters to business owners seeking their support.

Kerry Adams – With the 604B Water Quality Grant .. it would be great if they could test for mosquito eggs. Eelgrass is coming back in the harbor.

3. SELECTMEN’S STATEMENTS

Richard Olson

MOTION: Move that the Board of Selectmen vote to send a letter to Mary P. Roderick upon her 101st birthday.

Motion by: Richard Olson Seconded by: Cheryl Andrews Yea 3 Nay 0

MOTION: Move that the Board of Selectmen vote to commemorate centennials of Pilgrim Monument, Mary Heaton Vorse, Lipton Cup and Nautilus Club.

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

Outcome of Town Manager search has been criticized in a letter to the press. I have my view and I am very happy with the outcome of the matter. There has been a suggestion that there has been a fix-in and I am so surprised by that .. and I am sure that it would come as a surprise to Mr. Knight and to all of the members of the that Search Committee if this suggestion that the decision was already made before that process even began. I just want to say that that kind of bitterness is not useful to our public discourse.

Anyone who would slam our Town Manager – our existing and honorably outgoing Town Manager .. anyone wanting to see him move on and then criticizes him for wanting to move on – I can’t understand the logic there.

Much discussion about continuity about a new TM coming aboard, a new police chief to be selected and Selectmen going off and being replaced. I looked over the gratifyingly large number of able and tested people wanting to run for selectmen for various terms. A look over that roster has persuaded me or tipped me in the direction that I have done my service. I’ve done as much as I thought I could do - less that I thought I wanted to do, but so that I shall not be a candidate at the next election. Thank you for the time – the five years that I have serve. I thoroughly enjoyed every minute. If the people don’t perform, I’ll be back !!! I wish you all well.

Michele Couture

To Richard Olson – you will be missed and you’ve performed admirably. You’ve taken me by complete surprise.

MOTION: Move that the Board of Selectmen vote to ask the Town Manager for a report on the Waterfront Project proposed by the Visitor Services Board.

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

MOTION: *Move that the Board of Selectmen vote to ask the Town Manager for an updated report from the Fire Chief on ‘sprinkler systems installed by businesses’.*

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

Overcrowding .. in establishments. Need to keep a check on this.

MOTION: *Move that the Board of Selectmen vote to send a note to Recreation Department asking for input on parking for the West End Playground*

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

Cheryl Andrews

Regarding Keith 17th anniversary – there will be a much bigger party – if we all can agree on a date.

Mr. Bryant was here earlier talking about needing county funding. They need some restructuring. We already fund them. Their money comes from the transferr tax. We cannot afford an increase from our taxes. He is our rep and he needs your input. They need to rework their budget.

4. BOARD OF SELECTMEN APPOINTMENTS

Cape Light Compact Governing Board

MOTION: *Move that the Board of Selectmen vote to appoint of 3 Thistlemore Way, as Provincetown’s Alternate Representative on the Cape Light Compact Governing Board effective immediately. Term ongoing/indefinite.*

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

5A PILGRIM MONUMENT – CPA HISTORIC DEED RESTRICTION

Establish Special Gift Fund – MGL C,44,§53A

MOTION: *Move that the Board of Selectmen vote, pursuant to Article 10 of the April 3, 2006 Annual Town Meeting, to approve the acceptance by the Provincetown Historical Commission of a Preservation Restriction to be granted by the Cape Cod Pilgrim Memorial Association on the Pilgrim Monument property, as described in a deed filed with the Barnstable Registry District of the Land Court as Document #12208 on Certificate of Title No. 5499, all in form acceptable to Town Counsel, and to execute the Approval of said Preservation Restriction and to authorize Town Counsel to record the Preservation Restriction and approvals thereof.*

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

5B PARADE PERMIT

King Hiram’s Masonic Lodge and Pilgrim Monument & Provincetown Museum, Centennial Parade (August 20, 2007)

MOTION: *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Jim Bakker and Rex McKinsey of Provincetown, MA on behalf of the Provincetown King Hiram’s Masonic Lodge and the Pilgrim Monument & Provincetown Museum for a Centennial Parade to be held on Monday, August 20, 2007; departing MacMillan Pier at approximately 12 Noon and returning after commemorative ceremonies at the Pilgrim Monument and Provincetown Museum at approximately 3:30 PM.*

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

5C TREASURER’S TRANSFER

John Anderson Francis Scholarship Fund (\$27,850)

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve*

the transfer of \$27,850.00 from the John Anderson Francis Scholarship Fund for the payment of awarded scholarships of \$27,750.00 and an invoice for \$100.00 to Scholarship America for an enrollment fee.

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

6. ECONOMIC DEVELOPMENT PERMITS GUIDELINES [General By-laws Section 5-15-4]

MOTION: *Move that the Board of Selectmen vote, pursuant to General By-laws Section 5-15-4 to approve the issuance of economic development permits as follows:*

Crowne Pointe – 875 gallons; Hair by the Sea – 200 gallons; MoJo’s – 875 gallons

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

MOTION: *Move that the Board of Selectmen vote that the number of permits that will be available in any given year will vary and is not predictable. The Board may choose to reserve some fixed gpd quantity of Economic Development permits for future applications, and is under no obligations to make awards.*

Projects that are consistent with the Local Comprehensive Plan and

- *Support year-round incomes and/or*
- *Support an extended employment season and/or*
- *Create or enhance employment opportunities and/or*
- *Help to diversify Provincetown’s economic base and/or*
- *Feature solutions to known barriers to year-round economic success e.g. Transportation, energy cost, water consumption, housing cost and/or*
- *Provides a measurable public benefit e.g. public restrooms.*

will be favored.

Smaller projects will be favored over larger ones, smaller being defined as 500 gpd or less. For the calendar year 2007, the board will not be entertaining applications for non-commercial housing.

Bedrooms that involve some type of town license (commercial), i.e., Bed and Breakfast, Hotel/Motel will be considered.

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

7A AWARD DPW CONTRACT – 4 WHEEL DRIVE BACKHOE LOADER

Award Contact - \$81,770 – Schmidt Equipment, Inc.

MOTION: *Move that the Board of Selectmen vote to award a contract for a 4-Wheel Drive Backhoe Loader with Extendible Dipperstick plus optional hydraulic quick-coupled pallet forks to the sole bidder Schmidt Equipment, Inc. of North Oxford, MA, in the amount of \$81,770.*

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

7B SURPLUS DECLARATION

Department of Public Work Equipment

MOTION: *Move that the Board of Selectmen vote, pursuant to Provincetown General By-laws §6-4-6, to authorize the Town Manager to dispose of, by sealed bid, the following vehicles and equipment declared surplus by the Department of Public Works on February 28,2007:*

- 1987 GMC Sierra LS, VIN # 20TFC24K8J1532496*
- 1993 Ford Eldorado VIN # 1FDKE30G4PHB95410*
- 1998 Ford Crown Victoria, VIN # 2FAFP71W9WX151694*
- N/A Torwell Sander, Model # 40GHW6-55 / Serial # AH5221853*
- 1998 Ford Crown Victoria, VIN # 2FAFP71W5WX164488*

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

7C REFER ZONING AMENDMENTS TO PLANNING BOARD

Proposed Amendments for April 2007 Town Meeting

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 40A,§5, to refer to the Planning Board the following proposed zoning amendments:*

D. Zoning Amendment – Section 4170 – Proposal I - requested by the Provincetown Local Housing Partnership

E. Zoning Amendment – Section 4170 – Proposal II - requested by the Planning Board

F. Zoning Amendment – Section 2440 – Permitted Principal Uses – requested by the Planning Board

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

7D PROPOSED LAYOUT OF ROUTE 6

Refer to Planning Board (STM-6)

MOTION: *Move that the Board of Selectmen vote as follows: Having considered the proposed alteration of layout of a portion of Route 6 as a public way in the Town, as shown on a plan entitled: “Proposed Alteration of Layout of Route 6,” dated March 5, 2007, the Board hereby deems that public convenience and necessity requires the alteration of layout of said portion of Route 6 in the manner shown on said plans, and refers the proposed layout to the Planning Board for their report thereon, pursuant to G.L. c.41, §81I.*

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

7E FY 2008 BUDGET AMENDMENTS

Completing Action of FY 20087 Budget Requests

MOTION: *Move that the Board of Selectmen vote to amend its FY 2008 budget request as follows:*

(1) by reducing the 910 Insurance/Fringes/Retirement budget request by \$147,000, from \$4,190,508 to \$4,043,508, based on the 4.8% rate increase adopted by the Cape Cod Municipal Health Group on March 7, 2007.

(2) by increasing the 310 Cape Cod Regional Technical High School budget request from \$168,309 to \$202,326, based on the assessment issued on February 28, 2007.

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

8. APRIL 4, 2007 ANNUAL & SPECIAL TOWN MEETINGS

Adoption of Board of Selectmen’s Recommendation on Articles

MOTION: *Move that the Board of Selectmen vote to table this item until Monday, March 19, 2007.*

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

9. MINUTES OF BOARD OF SELECTMEN’S MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of:*

February 12, 2007 (TMSC Report) as printed.

February 12, 2007 (Regular Mtg.) with changes so noted.

February 17, 2007 (TM Search) as printed.

February 26, 2007 (Wastewater) with changes so noted.

February 26, 2007 (Regular Mtg.) with changes so noted.

March 2, 2007 (Town Manager Search) as printed.

March 7, 2007 (Town Manager Search.)as printed.

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

10. CLOSING STATEMENTS

Richard Olson - None

Michele Couture

- Status of the laundromat – when will it open?

- **Cheryl Andrews**

MOTION: Move that the Board of Selectmen vote to authorize payment of the Travel Expenses for the Town Manager finalist candidate Larry Deetjan in the amount of \$758.16.

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

Motion to adjourn by Michele Couture at 8:54 PM.

Minutes transcribed by: Vernon G. Porter, Secretary

March 12, 2007