

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, JUNE 11, 2007

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the meeting at 6:00 PM noting the following Board of Selectmen attending: Mary-Jo Avellar, Michele Couture, Austin Knight, Pam Parmakian

Excused Absence: Lynne Davies

Other attendees: Town Manager Sharon Lynn

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

Acting Chief Warren Tobias, introduced 9 summer police officers who in turned gave a brief history of their background. Most have are for their second year.

1A WASTEWATER UPDATE

Facilitated by John Goodrich

Attendees: DPW Director David Guertin, DPW Financial / Administrative Coordinator Dana Faris, Ron Adams of Metcalf & Eddy, DPW Wastewater Administrative Assistant Ron Gamella, Water Superintendent Carl Hillstrom and Facilitator John Goodrich.

John Goodrich gave an update on Wastewater explaining that there are currently three on-going activities for the Wastewater Project: the Financial Analysis, the Phase 2 Expansion, and the Phase 1 Optimization. (*See attachment #1*)

Sharon Lynn gave an update on work timeline and reasons for same. Construction Company Robert B. Our was ready to start work but was held up due to three week delay by DEP. All emergency procedures are in progress. Bradford Street West has been paved and topcoat will be done within one to two weeks after settling is done. Bradford Street East of Shankpainter will not have any construction until after Labor Day. 27 Administrative Consent Orders (ACO's) need to be hooked up as soon as possible. DPW has received 140 commitments to hook up to the sewer. Paving will be complete on Shankpainter from Province Road (Route 6) to Brown Street within the next few weeks. Construction from Brown Street to Bradford Street will take about 3 weeks. Construction to stop on June 29th for the 4th of July week and then restart. Groundwater is 3 feet below grade. Water will be pumped to Route 6 and ConCom is aware of this.

Chris Our from Robert B. Our Company indicated that Shankpainter is the critical path to finish before we move on.

Paving of Bradford Street - Shankpainter West will be paved this week and we will work to keep one lane open if possible.

Open discussion ensued.

MOTION: Move that the Board of Selectmen ask the Town Manager to work with the Wastewater team to come up with a plan to pave Commercial Street by July 16, 2007.

Motion by: Austin Knight Seconded by: Pam Parmakian Yea 4 Nay 0

1B CAPE COD NATIONAL SEASHORE GENERAL MANAGEMENT IMPLEMENTATION ADVISORY COMMITTEE

Joint meeting with Board of Selectmen

Attendees: John Thomas, Barbara Prato, Kerry Adams, Paul Tasha.

Mary-Jo Avellar explained that the purpose of this meeting this evening is due to the recent decision by the National Registry not to recognize the Dune Shack as part of the traditional associated people in relation to the “traditional cultural property” of the dune shacks.

John Thomas gave a brief background of the purpose of this committee and further encouraged the Board of Selectmen to take a strong approach and write to our Congressman and Representatives stating that the Keeper’s rejection is biased and unfairly weighed in favor of the National Park Services desire.

Open discussion ensued. Bring list of dune shack dwellers at next meeting.

MOTION: Move that the Board of Selectmen vote to meet with the Cape Cod National Seashore General Management Implementation Advisory Committee on June 25, 2007.

Motion by: Austin Knight Seconded by: Pam Parmakian Yea 4 Nay 0

MOTION: Move that the Board of Selectmen vote to invite Superintendent George Price of the Cape Cod National Seashore to our July 25, 2007 Board meeting to meet the new Board of Selectmen.

Motion by: Austin Knight Seconded by: Pam Parmakian Yea 4 Nay 0

Mary-Jo Avellar left the room as her husband works for the Pier Corporation.

1C PROVINCETOWN PUBLIC PIER CORPORATION

Joint Meeting with Board of Selectmen

Attendees: Leonard Clingham, George Hitchcock, Kerry Adams, Anthony Travers, Harbormaster and Pier Manager Rex McKinsey

Vice Chairman Michele Couture explained that after seeing a memo for a purchase of a barge and since the Board of Selectmen and PPPC haven’t met for awhile that she requested a meeting to discuss this and other related business. A report from the PPPC is attached to Agenda Item 1C.

Open discussion ensued. No motions made.

Mary-Jo Avellar returned

2. PUBLIC STATEMENTS

Bill Dougal – Clarification on Growth Management and Affordable Housing as it related to sewer connection. If you were willing to commit to 33 1/3 o affordable housing you would get your permit. But Director of DPW and Building Commissioner says that if a project of this sort is to be connected (since the vote of the April 2007 Town Meeting), you now have to be 100% affordable. I think the Board of Selectmen have to revisit this. There is a double standard here? We definitely need clarification.

Bonnie Campbell - Complaints on Shankpainter could have been avoided if our town government would have approved it two years ago when the Grand Union wanted to hook up. She gave a few ideas on how to avoid delays.

Carol Carr - Meeting with Board of Health re: Ordinance on Trash Pick-Up that effect three quarters of the town – condo owners. The town does not pick-up their trash. Ordinance does not pick up trash for 9 or more condos. Request to meet with the Board of Selectmen to discuss this issue and recycling. Of your complete budget \$1.6 million is coming from those condos.

Taylor Polites. – As a member of he Historical Commission willing to help with Firehouse #2.

Susan Rohrbach - Representative to Senator O’Leary – things that he is working on: Homeowner’s Insurance, Short term rentals, Oceans Zoning, Wasterwater Draft, Constitutional Convention, Municipal Partnership Act (will send information to us on this) – has not been debated as of yet and work has to be done on this and would like to hear from the Board on this.

Barbara Rushmore – 1) Invite you all to come and look at the Waterfront Park before you vote on tearing it all apart at your next meeting. 2) Delighted to hear you discussion on the sewer. 3) Not happy with the Cape Cod National Seashore when they put up barriers and you can't see the ocean. 3) Say no to any more projects.

Rick Murray – Business on Bradford Street was closed due to construction. Please consider stopping construction by the end of June.

Marcene Marcoux - Ditto to previous speaker. Development of Sandy Hill – now I'm hearing that there may be a fall meeting of an override. State model now available that just came out last week where money goes to renters or buyers. (\$250K)

Ian Lahey - Had a party on Friday night and there was a noise complaint at his property and when police arrived the second time they were exceptionally hostile and several friends were arrested unnecessary and now have a criminal record for life. . Can't believe the way the Police handle themselves.

Clarence Walker – Re: Sandy Lane Project – suggest that the we have not seen the full documents on this project ... the life span cost of this project

Richard Day (35 Court Street) - Witnessed several incidents by the Police and finds them unnecessary. I think the town needs to nip this in the bud before it gets out of control.

Kevin Redman - Attorney representing the Sandy Lane project. There were nine Public Meetings and the Community Preservation Committee money was voted on at Town Meeting.

John Dowd - Re: Noise complaints - Happen to be at both parties and if you are going to shut the town down then people are not going to want to gravitate to Provincetown ... we are known for be open to all.

Jennifer Cabral - Got arrested on noise complaint. It seemed selected enforcement.

Rick Kapler - Enhance on what Barbara Rushmore had to say about the National Seashore Rangers asking to search cars at the Parking Lot at Racepoint or Hearing Cove. The are very assertive and it is not very inviting.

Astrid Berg – Thinks people should have parties. Doesn't agree with sewer system.

Geraldine Anathan - Re: Sandy Hill Project. The project is capped.

Joan Drysdale - Re: Sewer Project - We all knew that this was going to happen and that it was going to continue through the summer and fall. It has been needed for years.

Bruce Van Allen - Offered the Selectmen to ride in his pedi-cabs to see what the roads are like.

3. **SELECTMEN STATEMENTS**

Austin Knight

Arrest over the weekend ... I have no information on this. Would like to have the police report on this.

Went to Selectmen's meeting in Hyannis last Friday – to Senator O'Leary - Asked if there will there would be any way of recouping any of our money that we already spent on Wastewater? Answer: Very unlikely retroactive funds will be available. However, there may be future funds available.

Michele Couture

Re: Sandy Hill Lane – you don't get a do-over after Town Meeting.

Thanked Susan Rohrbach for attending our meeting tonight.

Re: Noise complaints and our Town Manager will handle this appropriately.

Upset to see the report by the DPW on the generators, especially none at the Community Center.

MOTION: *Move that the Board of Selectmen vote have DPW explain generator for Community Center as an agenda item for our next regular scheduled meeting on Monday, July 9, 2007.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to ask Cheryl Andrews to continue to be Provincetown's Representative on the Wastewater Collaborative.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to send a letter to our Tourism Director Bill Schneider requesting the cost of a coin machine.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 4 Nay 0

Thanks to Acting Chief of Police Tobias and DPW for parking signs.

Check with DPW for flags for July 4th. And make sure they are in good working order.

Pam Parmakian

To address my conflict of interest. I met with my Chair before this evening meetings and did tell her I would be recusing myself from two agenda items this evening.

MOTION: *Move that the Board of Selectmen vote to ask our Town Manager to look into the matching funds for the Cape Cod Pilot Program as described by the State for employee housing.*

Motion by: Pam Parmakian **Seconded by:** Austin Knight Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to have a future Public Hearing with the Board of Health on August 13, 2007 to discuss the pick-up of trash at condos.*

Motion by: Mary-Jo Avellar **Seconded by:** Austin Knight Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to send a letter to Mr. Robert Nunes, Deputy Commissioner, Massachusetts Department of Revenue requesting a Financial Management Review for the Town of Provincetown.*

Motion by: Pam Parmakian **Seconded by:** Austin Knight Yea 4 Nay 0

Mary-Jo Avellar

Ask the Town Manager to give us a report on the questions Bill Dougal asked during public statements.

Portuguese Festival – asked us to be in the parade again this year. We need a convertible.

Beach closings – why is this happening? Sharon Lynn – Health Department is doing weekly testing now.

Letter from Carl Black - Priscilla Alden Road re: Street Light shining in his bedroom window. Sharon Lynn – I have his letter and the DPW is looking into this.

Thank you everyone for your comments this evening.

4. BOARD OF SELECTMEN APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Richard Olson as a Regular Member of the Cultural Council with a term expiration date of June 30, 2008.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 4 Nay 0

4B TOWN MANAGER APPOINTMENT

MOTION: *Move that the Board of Selectmen vote to approve the Town Manager's appointment of Stephen Borkowski to the Historical Commission, pursuant to MGL C.40, §8D, for a term to expire on December 31,*

2008.

Motion by: Austin Knight **Seconded by: Pam Parmakian** **Yea 4 Nay 0**

5A **CAPE COD COMMISSION UPDATE**

Margot Fenn, Roslyn Garfield

Attendees: Executive Director Margot Fenn, Deputy Director and Chief Planner John Lipman, Provincetown Representative Roslyn Garfield

Margo Fenn gave the Board a handout “Overview of Cape Cod Commission Response to 21st Century Task Force Report” (See attachment #2). Will be working with Recycling & Energy Renewal Committee in the near future. May do a workshop for small business owners as well.

5B **CAPE LIGHT COMPACT UPDATE**

Margaret Downey and Heather Wishik, Susan Donegan

Margaret Downey gave a brief overview of what the Cape Light Compact is all about.

Heather Wishik gave a presentation on the Energy Efficient Program. (See attachment #3). We need an overall energy program for the town.

Link to town website.

Pam Parmakian recused herself and left the room as her employer and she have provided technical assistance for the development of this property.

5C **SANDY HILL LANE**

Regulatory Agreement & Declaration of Restrictive Covenants

MOTION: Move that the Board of Selectmen vote to accept and execute a Regulatory Agreement and Declaration of Restrictive Covenants for the housing development known as 6 Sandy Hill Lane for 4 affordable moderate units and 8 median income units.

Motion by: Michele Couture **Seconded by: Mary-Jo Avellar** **Yea 3 Nay 0**

Pam Parmakian returned.

5D1 **TREASURER’S TRANSFERS**

John Anderson Francis Scholarship Fund

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the use of \$270.00 from the John Anderson Francis Scholarship Fund to pay for the payment of the attached invoice(s).

Motion by: Austin Knight **Seconded by: Michele Couture** **Yea 4 Nay 0**

5D2A **TREASURER: BOND ANTICIPATION NOTE #1067**

MOTION: Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1067 in the amount of \$1,767,600.00 dated June 25, 2007 at 3.85% interest payable at maturity to Cape Cod Five Cents Savings Bank on June 25, 2008.

Motion by: Pam Parmakian **Seconded by: Michele Couture** **Yea 4 Nay 0**

5D2B **TREASURER: BOND ANTICIPATION NOTE #1068**

MOTION: Move that the Board of Selectmen vote to issue a Bond Anticipation Note #1068 in the amount

of \$480,000.00 dated June 25, 2007 at 3.80% interest payable at maturity to Cape Cod Five Cents Savings Bank on September 25, 2007.

Motion by: Michele Couture Seconded by: Pam Parmakian Yea 4 Nay 0

5E1 **PARADE PERMIT – CARRIE A. SEAMAN ANIMAL SHELTER**

Annual Pet Walk

MOTION: *Move that the Board of Selectmen vote to approve the Parade application submitted by Carol MacDonald, on behalf of the Carrie A. Seaman Animal Shelter to hold a pet walk on Sunday, September 30, 2007 from 1 pm to 1:45 pm.*

Motion by: Michele Couture Seconded by: Austin Knight Yea 4 Nay 0

5E2 **PARADE PERMIT – CARRIE A. SEAMAN ANIMAL SHELTER**

Dog Run Dog, LLC

MOTION: *Move that the Board of Selectmen vote to approve the Parade application submitted by Paul Gardner, Founder of Dog Run Dog, LLC, P.O. Box 880, Norwich, Vermont to hold their annual Dog Run to benefit the Carrie A. Seamen Animal Shelter to be held on Sunday, September 30, 2007 from 8 AM to 10 AM. No rain date.*

Motion by: Pam Parmakian Seconded by: Pam Parmakian Yea 4 Nay 0

Pam Parmakian recused herself and left the room as her employer is the Property Manager for this property.

6A **40A NELSON AVENUE**

Conveyance of Real Estate – 40A Nelson Avenue

MOTION: *Move that the Board of Selectmen vote to authorize consent to convey real estate at 40A Nelson Avenue from the Housing Land Trust for Cape Cod to the Lower Cape Cod Community Development Corporation as funded through a grant under the Housing Development Support Program.*

Motion by: Michele Couture Seconded by: Austin Knight Yea 3 Nay 0

Pam Parmakian returned.

6B1 **DPW SERVICE CONTRACTS FOR FY 2008**

Heating Oil #2: Cape Cod Oil

MOTION: *Move that the Board of Selectmen vote to execute a contract with low bidder Cape Cod Oil of Provincetown for the provision of Heating Oil #2 to the Town of Provincetown for Fiscal Year 2008, for the contract price of \$0.1249 per gallon over Boston Low.*

Motion by: Austin Knight Seconded by: Pam Parmakian Yea 4 Nay 0

6B2 **DPW SERVICE CONTRACTS FOR FY 2008**

Plumbing Services: E. F. Winslow Plumbing & Heating Co., Inc.

MOTION: *Move that the Board of Selectmen vote to execute a contract with sole bidder E. F. Winslow Plumbing & Heating Co., Inc. for the provision of plumbing services to the Town of Provincetown for Fiscal Year 2008, for the contract price of \$109.00 for the first half hour (\$159.00 for holidays) then \$29.00 for every quarter hour after that (\$39.00 for holidays). There is no charge for travel time.*

Motion by: Michele Couture Seconded by: Pam Parmakian Yea 4 Nay 0

6C **REDUCE FIRE LANE DIMENSIONS**

240 Commercial Street

MOTION: *Move that the Board of Selectmen vote to designate the Easternmost thirty-five (35) feet of the existing Fire Lane located on the North side of Commercial Street in front of Whaler's Wharf be designated as an Unloading Zone effective immediately.*

Motion by: Austin Knight **Seconded by:** Pam Parmakian Yea 4 Nay 0

Pam Parmakian recused herself

MOTION: *Move that the Board of Selectmen vote to extend the closing of the Cumberland Farms agreement for sixty-days with this being the final extension.*

Motion by: Michele Couture **Seconded by:** Austin Knight Yea 3 Nay 0

Pam Parmakian returned.

Sharon Lynn requested direction from the Board of Selectmen referring to a joint meeting with Provincetown Board of Selectmen and Truro Board of Selectmen to discuss common water issues, to be facilitated by Mark White. Michele Couture advised that meeting should take place after the completion of well site testing at North Union Field. Selectmen agreed to this, probably for late August.

MOTION: *Move that the Board of Selectmen vote schedule a joint meeting with the Truro in late August, 2007 to discuss water issues.*

Motion by: Austin Knight **Seconded by:** Michele Couture Yea 4 Nay 0

6D FY 2008 Town-Wide Policy Goals

Annual Goal-Setting Exercise

MOTION: *Move that the Board of Selectmen vote reschedule this agenda item until the next meeting on Monday, June 25, 2007.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 4 Nay 0

7. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

MOTION: *Move that the Board of Selectmen vote to approve the minutes of May 14, 2007 (Special Mtg.) as printed.*

Motion by: Michele Couture **Seconded by:** Austin Knight Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of May 14,, 2007 (Regular Mtg.) as amended.*

Motion by: Michele Couture **Seconded by:** Austin Knight Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of May 29, 2007 (Special Mtg.) as printed.*

Motion by: Michele Couture **Seconded by:** Austin Knight Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of May 29, 2007 (Regular Mtg.) as printed.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 4 Nay 0

8. CLOSING STATEMENTS

Austin Knight

MOTION: *Move that the Board of Selectmen vote to send a letter of Congratulations to Mimi Raxone who is*

leaving the AIDS Support Group.

Motion by: Austin Knight

Seconded by: Pam Parmakian

Yea 4 Nay 0

Reminder - June 20th – Volunteer Appreciation Day.

Michele Couture

- Exhaust pipe near MPL - need a charcoal filter near entrance of MPL

- Illegal curb cuts. Needs to check into this again and have it as a future agenda item.

Pam Parmakian

- Open beverage container rule. Encourage business to post this rule.

Motion to adjourn by Michele Couture at 11:00 PM.

- Minutes transcribed by: Vernon G. Porter, Secretary
June 12, 2007