

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING - MONDAY, SEPTEMBER 24, 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, Lynne Davies

Other attendees: Town Manager Sharon Lynn

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

Michele Couture recused herself and left the room as she has a business across from Town Hall.

1A NOISE BY-LAW – PUBLIC HEARING

Chairman Avellar read the Pubic Hearing Notice into the record.

Public Comments in Favor

Bonnie Campbell - in favor and 50 decimals is plenty.

Connie from Vorell's Restaurant - 9-4 is Street Performer By-Law. I work and reside at 226 Commercial and I find myself being interrupted all day long up to 11 pm at night. It is unrelenting. The factor of the kind of noise and how long it is has to be taken into considering.

Robert Cabral - You can hear noise across the bay – all the way out to Long Point, night after night, all summer long, seven days a week. I appeal for some kind of restriction.

Devorah Landa - I can't get away from the noise and I've been physically ill because of it. I hope you research it for yourselves.

Vaughn Cabral – My wife goes to bed every night with ear plugs. Went to the Licensing Board several times and they said it was flawed law.

Donald Edwards – We use to have the same type of laws years ago and it wasn't able to be enforced then.

Public Against

Durevol Quitzow – Read statement into record. See attachment #1

Rick Murray - If you want peace and quiet move to Naples, Florida.

Public Hearing closed at 6:27 PM.

Chairman Avellar read those letters that were received via mail into the record.

MOTION: *Move that the Board of Selectmen vote to submit the Draft Noise-By-Law in the Fall 2007 Warrant.*

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

MOTION: *Move that the Board of Selectmen vote to take Agenda Item #9 out of order.*

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

9. EXECUTIVE SESSION

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 3 to go into executive session for the purpose of discussing personnel issues; and to convene in open session*

thereafter. [Roll Call Vote]

Motion by: Michele Couture Seconded by: Pam Parmakian

Michele Couture – Yea Austin Knight – Yea Lynne Davies - Yea

Pam Parmakian – Yea Mary-Jo Avellar – Yea

Yea 5 Nay 0 - Motion Passes -

The Board went into Executive Session at 6:58 pm.

The Board convened in open session at 7:35 pm

1B COMMERCIAL STREET RE-PAVING

Video Presentation by Russell Kleekamp, EIT, Engineer and James Fosdick Managing Designer of Stearns & Wheler, LLC.

MOTION: Move that the Board of Selectmen vote to approve the request of the Department of Public Works to prepare a warrant article for the November 2007 Fall Town Meeting to borrow the sum of \$566,380 to fund the costs associated with Engineering and design for repairs to Commercial Street paving.

**Motion by: Lynne Davies Seconded by: Austin Knight
Yea 3 Nay 0 (Michele Couture / Pam Parmakian)**

2. PUBLIC STATEMENTS

Michael Fernandes - You voted on a huge decision without a Public Hearing or Public Statements. Concerned that no aspect of this project is on the backs of the Disability Commission. Wish you would have chosen additional options as mentioned by several people before. I hope that you will look at paving the center of town first, then the east or west end. I urge you to look all of the possibilities.

Rick Murray - When and if are you going to have a new Public Hearing on the rental of Town Hall. On paving – should be more input from public, if possible, before Town Meeting.

Barbara Rushmore – I came tonight to talk about paving of Commercial Street. I agree with previous speaker to cut street down into thirds and do it by sections. Also feel that it is important to have good walkways. I hope you treat every block on Commercial Street differently.

Bonnie Campbell – Agrees with paving. Keep current Acting Chief of Police.

Candice Collins-Boden – I suggest that we do the middle of Commercial Street first and use paving materials that can be put down in or during the winter time so that we do not interrupt our businesses....even if it costs a few more dollars to keep.

3. SELECTMEN STATEMENTS

Austin Knight

The process of the paving is not a done a deal. It is just a scope to develop a plan. There will be a public hearing and plans to secure grants, etc. We have to go to town meeting to get the process started. Public input is very important, and they will have the opportunity to have their say in this project. We have to have the blueprints first. This is something we have put off for years, and the reality is that eventually we are going to have to do it.

Town Manager Sharon Lynn's birthday is this Friday. Congratulations !!

Michele Couture

MOTION: *Move that the Board of Selectmen vote to send a card of condolence to Jessi Robinson the daughter of former Provincetown Board of Selectmen Lee Robinson who passed away this past weekend.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian **Yea 5 Nay 0)**

Agenda item – No Place For Hate – ADL – Some discussion about other towns that are not renewing their membership because national folks are not signing on because of national memberships stand that there was not an Armenian genocide. I'm not sure when we are to sign up for it again.

Disability Commission – report. I am sure there are some things we can do that don't require any money and I'd like to invite them to come and speak with us. (Note: Scheduled as an agenda item for November 14, 2007 – Item 1B)

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to District Attorney Michael O'Keefe and his office for their investigation of the July 14, 2007, Barry Scott matter.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian **Yea 5 Nay 0)**

Pam Parmakian

Bike trails at the CCNS - there were two accidents this past weekend. I ask that the Town Manager look into the contract with CCNS on Emergency Services. When was the contract last negotiated? What are the terms? Through a report from Fire and Rescue has the contract been covering the expenses to the town? Over the last 10 years, the emergency calls increased or decreased? And again that goes back to specifically to the conditions of the bike trails.

Lynn Davies

My making the motion for moving consideration of the monies for this plan for paving the streets was primarily what everyone has said – we need to find out what's all involved. We need to have a plan before we ask for grants and we will be providing the voters the opportunity to have their input and letting us know if they really want to go forward with this. I am fully supportive of any pre-town meeting public hearings to discuss the matter in detail. I know that nothing has been completely decided about what the project is actually going to entail. I am very concerned about monies involved because we are in a financially difficult situation. So I will be looking at it very carefully.

Mary-Jo Avellar

Sidewalks were definitely part of the scope of the project and a great concern to me.

If you go to the Pier on the right hand side just before you get to the big bicycle rack before the Trap Shed - our friend Julian Popko created a chair made out of lobster pots and buoys. Go take a look at it.

MOTION: *Move that the Board of Selectmen to send a letter of thanks to Julian Popko for his creation of the chair located at the Pier.*

Motion by: Mary-Jo Avellar **Seconded by:** Lynn Davies **Yea 5 Nay 0)**

I attended the CCNS Advisory Commission as your representative today. They had field trips but I was unable to attend as I was at work. Superintendent Prices is hoping that the Town Manger can come to the next meeting so she can meet everybody. They talked about the Dune Shacks. Apparently Rich Delaney who was going to Chair the Dune Committee Subcommittee, is now the new Executive Director for Center for Coastal Studies. Now there is big long delay because there is no process in place to get the Subcommittee activated. So we're hoping that by the next meeting in December that it will be up and going. They are talking about a Sub-Committee coming up with Zoning By-Laws that will affect Truro, Wellfleet, and Eastham, so that the by-laws will be compatible with the Seashore ones.

C3 TV going into Highland Center. Next meeting in December 11th.

MOTION: *Move that the Board of Selectmen vote to appoint Carol Neal as the PMPM Representative on the Historic District Commission with a term expiration date of June 30, 2010,*

Motion by: Austin Knight **Seconded by:** Michele Couture Yea 5 Nay 0)

Pam Parmakian recused herself due to conflict of interest. This agenda item is presented by her employer.

5. **MEADOW ROAD**

Amended Regulatory Agreement

MOTION: *Move that the Board of Selectmen vote to approve the “Amended Regulatory Agreement” for the Meadow Road development that reflects the changes approved by the ZBA on February 6, 2007 and Funding Administrator as defined in the Modification of Comprehensive Permit.*

Motion by: Michele Couture **Seconded by:** Lynne Davies Yea 4 Nay 0

6A **PAMET LENS OVERSIGHT GROUP - UPDATE**

MOTION: *Move that the Board of Selectmen vote to support the Truro Board of Selectmen in changing the name of Pilgrim Lake back to the original name to “East Harbor”.*

Motion by: Austin Knight **Seconded by:** Michele Couture Yea 5 Nay 0

Also discussed the ongoing Water Management Plan and the scope of work for that. There will be more discussion at the next meeting.

Next regular scheduled meeting is October 18, 2007 in Provincetown at 9 AM.

6B **INSERT TOWN MEETING WARRANT ARTICLES**

Article 1: *(Supplement Operating Budget for FY 08)*

MOTION: *Move that the Board of Selectmen vote to see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$340,700 to supplement the operating budget of the Town for the fiscal year beginning July first, two thousand and seven, provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ override by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); or take any other action relative thereto.*

Motion by: Michele Couture **Seconded by:** Lynn Davies Yea 5 Nay 0

Article 2: *(Police Contract FY07 & FY08)*

MOTION: *Move that the Board of Selectmen vote to see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$165,000 to fund the collective bargaining agreement between the Town and the IBPO for the fiscal years as follows; \$59,042.45 beginning July first, two thousand and six, and \$105,957.55 for the year beginning July first, two thousand and seven provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ override by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); or take any other action relative thereto.*

Motion by: Austin Knight **Seconded by:** Lynn Davies Yea 5 Nay 0

Article 3: *(School Stairs)*

MOTION: *Move that the Board of Selectmen vote to see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$15,000 to fund the repairs to the concrete stairway that connects VMES, PHS and the Grace Hall parking lot, provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); or take any other action relative thereto.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian Yea 5 Nay 0

Article 4: *(Telephone)*

MOTION: *Move that the Board of Selectmen vote to see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$30,000 to fund the capital costs associated with a new*

telephone system, provided that the appropriation shall be contingent on the passage of a Proposition 2 and ½ capital outlay exclusion by the voters of the Town in accordance with General Laws Ch. 59, sec. 21C(m); and further to authorize the Town Manager to enter into a lease purchase agreement for a term not to exceed five years; or take any other action relative thereto.

Motion by: Michele Couture **Seconded by:** Lynne Davies **Yea 5 Nay 0**

Article 5: (Prior Year Bills – required 9/10s vote)

MOTION: *Move that the Board of Selectmen vote to see if the Town will vote to raise and appropriate or transfer from available funds the amount of \$3,113.82 for the purpose of paying prior year unpaid bills; or take any action thereto.*

Motion by: Austin Knight **Seconded by:** Pam Parmakian **Yea 5 Nay 0**

Article 6: (Stearns & Wheeler contract - requires 2/3 vote – borrowing)

MOTION: *Move that the Board of Selectmen vote to see if the Town will vote to appropriate and borrow the sum of \$566,380 to fund the costs associated with Engineering and design for repairs to Commercial Street paving, with said borrowing authority contingent upon the voters approval of a Proposition 2 and ½ override ballot question, in accordance with Mass General Laws Ch. 59, sec. 21C(m); and that to meet this appropriation, the Treasurer, with the approval of the Selectmen is authorized to borrow said sum under and pursuant to Chapter 44, Section 7 (5 or 22), of the General Laws, or any other enabling authority, and to issued bonds or notes of the Town therefore; or to take any other action relative thereto.*

Motion by: Austin Knight **Seconded by:** Lynn Davies
Yea 3 Nay 2 (Michele Couture / Pam Parmakian)

MOTION: *Move that the Board of Selectmen further vote to open the Warrant on Wednesday, September 26, 2007 at 8 AM and close the Warrant at 5 PM Friday, September 28, 2007.*

Motion by: Michele Couture **Seconded by:** Pam Parmakian **Yea 5 Nay 0**

6C TOWN HALL RENOVATIONS - UPDATE

MOTION: *Move that the Board of Selectmen vote to approve the firm of McGinley Kalsow for the Town Hall Renovations.*

Motion by: Austin Knight **Seconded by:** Michele Couture **Yea 5 Nay 0**

6D TOWN MANAGER FOLLOW-UP OTHER

MOTION: *Move that the Board of Selectmen vote to approve the recommendation of the Town Manager's appointment of Mr. David Gardner as Assistant Town Manager effective October 1, 2007.*

Motion by: Lynn Davies **Seconded by:** Pam Parmakian **Yea 5 Nay 0**

7. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

MOTION: *Move that the Board of Selectmen vote to approve the minutes of August 27, 2007 as printed.*

Motion by: Michele Couture **Seconded by:** Lynne Davies **Yea 5 Nay 0**

MOTION: *Move that the Board of Selectmen vote to approve the minutes of August 30, 2007 (Special Meeting) as printed.*

Motion by: Michele Couture **Seconded by:** Lynne Davies **Yea 5 Nay 0**

MOTION: *Move that the Board of Selectmen vote to approve the minutes of August 10, 2007 as printed.*

Motion by: Michele Couture **Seconded by:** Lynne Davies **Yea 5 Nay 0**

8. CLOSING STATEMENTS

Lynne Davies - None **Austin Knight** - None **Pam Parmakian** – None

Michele Couture - Talked with Mark Forest awhile back and he said he has some windmills that are free. Maybe our Town Manager can talk with him and find out specifics.

Mary-Jo Avellar - Need to find out status of H2b Visas for next year.

Motion to adjourn by Michele Couture at 9:47 PM.

Minutes transcribed by: Vernon G. Porter, Secretary
September 25, 2007