

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING - MONDAY, OCTOBER 22, 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, Asst. Town Manager David Gardner, Municipal Finance Director Alix Heilala

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

#### 1A PUBLIC HEARING: COMMERCIAL STREET RE-PAVING

Attendees: DPW Deputy Directory Sandy Turner and Russell Kleekamp, EIT, Engineer.  
Open discussion ensued.

It was decided that due to different options and various cost to *have an additional meeting and advertise for an "Open Forum" on Thursday, Nov 1, 2007 at 6 PM.*

#### 1B JOINT MEETING with VISITOR SERVICES BOARD

VSB Members Present: Mick Rudd, Chairman Rob Tosner, Kathleen Fitzgerald, Hersh Schwartz, Michael Peregon.

Chairman Rob Tosner read statement into record (See attachment 'A')

Open discussion ensued over 3<sup>rd</sup> barrel trash pick-ups and restroom services.

**MOTION: *Move that the Board of Selectmen vote to have a joint meeting with the Visitor Services Board on November 26, 2007.***

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

#### 1C JOINT MEETING with COMMUNITY HOUSING COUNCIL

Community Housing Council Members Present: Chairman Joe Carleo, William Dougal, Arturo Alon, Elaine Anderson, Molly Perdue, Cathy Reno Brouillet.

Chairman Joe Carleo gave a brief overview of what the Council has been doing such as community outreach, and enjoyed learning a great deal from other resources. Reopened the search for the Community Housing Specialist. Working with consultant on the TAP Grant on a brochure for public awareness campaign and outreach.

Board of Selectmen expressed to the Council what an amazing job they have done in just four months. In answer to Bill Dougal's questions it was suggested that they have quarterly meetings/update with the Board of Selectmen.

#### 2. PUBLIC STATEMENTS

Bonnie Campbell - Gave comments on various topics that were discussed this evening.

Barbara Rushmore - Spoke on Commercial Street Paving, VSB Funds for Municipal Use, Cape Cod National Seashore – digging up highway and should consult with Conservation Commission before they start using bulldozers, etc.

Bill Dougal – Congratulate Board of Selectmen, Town Manager and Town Staff who participated in Business Summit last Thursday. Highly urge the Board of Selectmen to email each participate and say that

they will continue to participate in this type of process.

Rob Tosner - Speaking as co-owner of two businesses and the repaving of Commercial Street. How much was reallocated for repaving in the first place? What the process was for reallocating that money?

Hersch Schwartz - As a Visitor Services Board member I feel it is extremely important that the VSB gets as much money as possible to promote Provincetown as a balance tourism industry. We are not one of the few Gay and Lesbian destinations anymore. There are tons of them. We need to promote Provincetown. I am very proud to be on the VSB and think we are doing a very good job.

### 3. SELECTMEN STATEMENTS

#### Pam Parmakian

Business Summit – I want to echo everyone’s sentiment in that there was a great turn out (130), and a great first step. I look forward to the November 28<sup>th</sup> one. My question to our Board is how are we going to put the next Summit together?

***MOTION: Move that the Board of Selectmen vote to request the Town Manager make the arrangements with EDC, PBG, VSB and Chamber to set up a one day Business Summit.***

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

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Facilitator John Smack for the Business Summit.***

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

Independent Audit and DOR conducting an independent Financial Management Review. Would like an update from Town Manager. Sharon Lynn - The earliest would be January 2008. There is no set date yet. We are in touch with DOR frequently, and they are still on board with that January 2008 date, but we have not heard that confirmed yet. There is a process that takes about three months, so we are hoping for March/April for a completion date.

Pam - As part of that discussion in June we talked about establishing an RFP for a new independent auditor. Can you give us a status report on the current audit, when it’s scheduled, and when the RFP process will be put in place for a future audit? Sharon Lynn - Scanlon CPA and Associates is the independent auditor that the Town has used for many years. They will be coming out again in November as they do each year to meet with Department Heads and to put together their audit for the last fiscal year. My intention is to have Scanlon since they have done it in the past, and they have been familiar with our record keeping systems. They have produced a number of findings that are being addressed by the current Finance Director and her team. We believe that is sound managerial practice that Scanlon remain the Financial Auditor for Fiscal Year 2007 and then come out with a RFP in 2008 for that fiscal year audit. So that would be my recommendation. DOR will be doing their independent review, and this will put us in good graces with Department of Revenue as well as the fact that Scanlon has been working with some staff to eliminate some of the mistakes that have been made in the past, and move forward with their program how they see that these findings can be corrected. They started doing this in July of this year and they are continuing to do that. The findings, as best I can tell, from previous years; including the most recent. Pam – With overrides coming up, I thought an explanation that might be enlightening for today.

***MOTION: Move that the Board of Selectmen vote to send a thank you letter to Michelle Jarusiewicz for her services in the past.***

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

#### Lynne Davies

Heart Safe Program – Paddle and those who are trained to use them - put locations on our website.

When will the Fees for Town Hall be on the agenda? Answer – November 26, 2007

Would like to schedule another meeting with the CCNS to find out what is on their schedule, get a

conversation going as to what is being planned, and are they going to involve the Town of Provincetown in your discussions and investigations? (*Schedule for first meeting in January 2008 and invite Supt. Price – Open discussion to include Route 6 Project.*)

Regarding repaving of Commercial Street. – specifically asked the question about the monies that were part of the sewer treatment plan initiative Phase I and I was told that it was merely for an overlay, that it was not a reconstruction for the road. It would be nice to know what the allocations were done. The bottom line is the money is gone and we just need to move forward.

Michele Couture - Can we just clear this up? There is no mysterious reason how the money disappeared. It didn't disappear. Originally what happened was – we had subscribers for the sewer for 350 and then we had additional subscribers (100), and therein went the paving money. It was a policy decision of the Board of Selectmen that in order to maximize the use of the sewer that we sign up these additional subscribers. That is how it happened. Town Manager Sharon Lynn – The amount of money of \$535K and from that minutes notes that the money was transferred and not to be used in the paving. Lynn Davies – So basically this was a Board of Selectmen's decision. Michele Couture - Yes. And when this always comes up, I feel like people think we just had a fabulous vacation on \$500K or something happened to it other than really constructive things. It happened for a very legitimate reason.

***MOTION: Move that the Board of Selectmen vote to send an email to all participants of the Business Summit inviting them to keep the date for the next Summit of November 28<sup>th</sup> (which may change and location to be announced).***

**Motion by: Lynne Davies**

**Seconded by: Michele Couture**

**Yea 5 Nay 0**

Job Rating Documents for the Town Manager and Secretary to the Board of Selectmen -

### **Austin Knight**

Sewer hook-ups – does it stop at all the property lines? I heard that there were some property owners that did not want that to happen. Could you please get a clarification for me on that? Answer: Sandy Turner - The structures are in the street, but the stubs were to the property line.

Clock repair for town hall? Steeple-jack people have already been up there. They gold leafed the hands and numbers, painted the face of the clock. Next is the mechanism work and electrically, and hopefully it should all be done before town meeting. Austin Originally the cost was set at \$17,900, we got \$20K at Town Meeting, and that include the re-facing of the clock and now that number has been adjusted. Answer: Yes, is around \$26K. \$17,900 for Verdun for the mechanism and it was the steeplejack that was under estimated to do the face of the clock.

### **Michele Couture**

I would like to thank Roslyn Garfield, our Representative on the Cape Cod Commission for some of her decisions she's made recently.

We had a joint meeting with the VSB this evening and during public statements one member got up and said that "I think we're doing a very good job on the VSB too." Please know that I would never say that you weren't. Somewhere along the line people got into the habit that if you disagree with them that you automatically think you are doing a crummy job. Nothing could be further from the truth. This Town could not be run without volunteers on the boards. I don't always agree with some of the decision that they make, but I absolutely respect the hard work and tenacity that goes into showing up at meetings and doing the work. It really requires a lot of hard work, and please do not ever take my disagreeing with you on issues as some kind of thought that you are doing a bad job. I just felt that I had to clear this up. I think it's really health to have disagreements with people. It makes for a healthy debate and sometimes brings out really good ideas.

Report from our Recreation Director Tracy Trewhella who is doing an excellent job. She has a lot going on and is to be commended for all she is doing.

Are we applying for CZM funding for storm drains? Sandy Turner – We are looking at it. Sharon Lynn - There has to be prior capital outlays that have to be looked at to see if we are actually eligible for that funding.

**Mary-Jo Avellar**

I too, spoke to Ms. Garfield and thanked her for her vote.

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Peter Bez upon his resignation from the Zoning Board and the VSB and to Marjorie Steinberg upon her resignation from the Cable Advisory Commission.***

**Motion by: Mary-Jo Avellar      Seconded by: Michele Couture      Yea 5 Nay 0**

Mark Forest called me last week regarding the H2B Visa situation and said something has been tacked on to the Senate Bill, and hopefully the House is going to sign on to it. He said as long as there is this Anti Immigration feeling in the country that we're probably are going to be facing these band aid solutions for several years to come. So, if anybody is in their mind to do it, perhaps we all ought to get on the phone and call Senator Bernie Sanders in Vermont, as he seem, to be the biggest impediment to this bill from our region, and ask him what his problem is.

***MOTION: Move that the Board of Selectmen vote to send a letter of thanks to Debbie DeJonker Berry and the Staff of the Provincetown Public Library for hosting the Mary Heaton Vorse Day on October 11, 2007.***

**Motion by: Mary-Jo Avellar      Seconded by: Michele Couture      Yea 5 Nay 0**

**4A      APPOINTMENT**

None at this time.

**5A1      BARNSTABLE COUNTY LAND MANAGEMENT GRANT**

Shankpainter Pond Wildlife Sanctuary

***MOTION: Move that the Board of Selectmen vote to approve the submission of a Barnstable County FY 2008 Land Management Grant Program Application by the Conservation Commission acting on behalf of the Town of Provincetown as the designated land managers of the Shankpainter Pond Wildlife Sanctuary in the amount of \$6,500.***

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

**5A2      PRE-APPLICATION FOR HAZARD MITIGATION GRANT**

Massachusetts Emergency Management Agency

***MOTION: Move that the Board of Selectmen vote to approve the submission of a pre-application for a Hazard Mitigation Grant to the Massachusetts Emergency Management Agency and the Massachusetts Department of Conservation and Recreation seeking funds to retrofit structures to minimize damages from high winds, flood and other natural disasters at the following facilities within Provincetown; the Veterans Memorial Elementary School Provincetown High School, Provincetown Community Center and WOMR School House Building.***

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

**5B      ROUTE 6 & SNAIL ROAD TRAFFIC LIGHTS**

***MOTION: Move that the Board of Selectmen vote to direct the Town Manager to contact the Department of Public Works Deputy Director Sandy Turner to contact the Massachusetts State Department of Public works and request that a flashing light system be installed at the intersection of Route 6 and Snail Road in Provincetown, MA.***

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

**5C** GRANT APPLICATION  
Massachusetts Cultural Council Adams Art Grant Application

**MOTION:** *Move that the Board of Selectmen vote to authorize the submission of a grant application in the amount of \$100,000 to the Massachusetts Cultural Council under its 2008 and 2009 Adams Arts Program for a project to stimulate cultural tourism in Provincetown for funding further implementation of Provincetown's Path to Culture - Wayfinding & Storytelling to implement our collaborative efforts.*

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

**5D** 2008 SANITATION PACKER W/CHASSIS (TRASH TRUCK)

**MOTION:** *Move that the Board of Selectmen vote to award the purchase of a 2008 - 16 Cubic Yard Packer with Chassis to successful bidder C. N. Wood, 200 Merrimack Street, Woburn, MA, in the amount of \$93,300.*

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

**5E1** 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 transfer of \$6,850.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship (s).*

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

**5E2** TREASURER'S TRANSFERS  
Captain Joseph F. Oliver Scholarship Fund

**MOTION:** *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$13,200.00 from the Captain Joseph F. Oliver Scholarship Fund for the payment of scholarship(s).*

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

**6A** NOVEMBER 5, 2007 SPECIAL TOWN MEETING - Update  
Adoption of Board of Selectmen's Recommendations on Articles

**MOTION:** *Move that the Board of Selectmen vote to recommend STM-1 Fund Police Contract FY07 & FY08 (prop 2 ½ override). \$165,000.*

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

**MOTION:** *Move that the Board of Selectmen vote to recommend STM-2 Prior Year Bills: \$3,113.82.*

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

**MOTION:** *Move that the Board of Selectmen vote to postpone until Spring 2008 STM-3 Telephone system (Prop 2 ½ override) \$30,000.*

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

*STM-4 FY 08 Budget Adjustments - Wait*

*STM-5 Repair School Stairs: \$15,000 – Wait*

**MOTION:** *Move that the Board of Selectmen vote to recommend STM-6 Supplemental Operating Budget FY08 (prop 2 ½ override) in the amount of \$290,700 and hold \$50,000.*

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

*STM-7 Stearns & Wheler contract – borrowing: \$566,380 – Wait (RR)*

**MOTION:** *Move that the Board of Selectmen vote to recommend STM-8 Noise by-law.*

**Motion by:** Pam Parmakian      **Seconded by:** Austin Knight  
Yea 3    No 1 (Lynn Davies)    Abstain 1 (Michele Couture)

**MOTION:** *Move that the Board of Selectmen vote to recommend STM-9 Request CCNS to restore Race Point parking lot view.*

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

*STM-10 Cap the VSB at \$300,000 - Wait*

**6B**    **PAMET LENS OVERSIGHT GROUP –UPDATE**

Open discussion. No motions made.

**6C**    **CHIEF OF POLICE – EXECUTIVE SEARCH PROCESS**

**MOTION:** *Move that the Board of Selectmen vote to authorize the Town Manager Sharon Lynn to sign a contract with the International Association of Chiefs of Police (IACP) in the amount of \$26,000 (plus expenses), to provide executive search services to assist in the selection of a Chief of Police for the Town of Provincetown.*

**Motion by:** Austin Knight    **Seconded by:** Michele Couture  
Yea 4    Nay 1 (Michele Couture)

**6D**    **TOWN MANAGER FOLLOW-UP/OTHER**

Employee Recognition Dinner on December 6<sup>th</sup> from 4 – 6 PM. @ Fanizzi's Restaurant.

Sexual Harassment – 7 – 8 pm Center for Coastal Studies for Management on Thursday.

**7.**    **MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of August 17, 2007 (Special Meeting) as printed.*

**Motion by:** Michele Couture      **Seconded by:** Pam Parmakian  
Yea 3    Nay 0    Abstain 2 (Austin Knight/Mary-Jo Avellar)

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of August 21, 2007 (Open Forum) as printed.*

**Motion by:** Michele Couture      **Seconded by:** Austin Knight  
Yea 3    Nay 0    Abstain 2 (Mary-Jo Avellar/Lynne Davies)

**7A**    **MINUTES OF BOARD OF SELECTMEN'S MEETINGS**

**MOTION:** *Move that the Board of Selectmen vote to approve the minutes of October 9, 2007 (Regular Meeting) as printed.*

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

**8.**    **CLOSING STATEMENTS**

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

**Mary-Jo Avellar** - None      **Michele Couture** - None

**9.**    **BARGAINING STRATEGY/ PERSONNEL ISSUES**

MGL C. 39§23B cl. 3 and cl. 6

**MOTION:** *Move that the board of selectmen vote to go into executive session, pursuant to MGL C.39, §23b, Clause 6 for the purpose of discussing strategy and the value of real property; and Cause 3 for the purpose of discussing strategy with respect to non-union personnel issues and not to convene in open session thereafter.*  
**[Roll Call Vote]**

**Motion by:** Michele Couture      **Seconded by:** Austin Knight

**Pam Parmakian** – Yes      **Lynne Davies** - Yea      **Austin Knight** - Yes

**Mary-Jo Avellar** - Yes      **Michele Couture** - Yes

**Yea 5    Nay 0                    - Motion Passes -**

The Board went into Executive Session at 9:37 PM.

**Minutes transcribed by:** Vernon G. Porter, Secretary  
October 24, 2007