

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY, DECEMBER 10, 2007

JUDGE WELSH HEARING ROOM

Chairman Mary-Jo Avellar convened the meeting at 6:08 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, Town Counsel John Giorgio, DPW Director David Guertin, Grant Administrator Michelle Jarusiewicz

Recorder: Vernon G. Porter

The following are meeting minutes, in brief.

Pam Parmakian recused herself due to possible future or potential financial interest.

1A **90 SHANKPAINTER ROAD RFP**

Approval of Draft RFP Language for Affordable Rental Housing Development

Attendees: Town Counsel John Giorgio, Environmental Partners Principal Mark White, DPW Director David Guertin

Open discussion ensued. In accordance with State Laws the Town is required to go through RFP process.

MOTION: *Move that the Board of Selectmen vote to insert the following paragraph into the draft RFP language on page 3:*

“The Project is also legally subject to the requirements and restrictions of the Deed from Cumberland Farm Inc. to the Town (Attachment 4), and the Town Meeting vote approving the acquisition of the property with Community Preservation Act funds reflected in the Quitclaim Deed (Attachment 4). Responses to this RFP should reflect all such requirements.”

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

MOTION: *Move that the Board of Selectmen vote to insert the following paragraph into the draft RFP language on page 3:*

“This RFP has been issued to solicit proposals for the acquisition and development of this Property. The preferred development scenario for the Property is approximately 40 rental units to the maximum as allowed by applicable zoning relief as determined by the Town’s regulatory boards.”

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

MOTION: *Move that the Board of Selectmen vote to insert the following paragraph into the draft RFP language on page 7:*

“To the greatest extent possible, the successful Proposer will include a mix of bedroom sizes and income level that closely reflect the community need as identified by the Housing Needs Assessment indicated above.”

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

MOTION: *Move that the Board of Selectmen vote to insert the following paragraph into the draft RFP language on page 12:*

“To the greatest extent possible the successful Proposer should utilize local workforce and labor in the construction and management of the property.”

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

MOTION: *Move that the Board of Selectmen vote to insert the following paragraph into the draft RFP language on page 13, under the section regarding Management Plan:*

“The successful proposal will clearly describe a well thought-out property management plan including wha

entity will perform ongoing management of the Property once developed. The plan will specifically outline an independent, transparent, and fair tenant selection process for both the initial and ongoing tenant selection.”

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

MOTION: *Move that the Board of Selectmen vote to approve the draft language, as amended, of the Request for Proposal for an Affordable Rental Housing Development at 90 Shank Painter Road according to the time schedule stated within the draft.*

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

MOTION: *Move that the Board of Selectmen vote to approve and execute the release deeds subject to such revisions as, in the opinion of Town Counsel, are necessary, and the conditions of the delivery of the deed to the Tasha's on Town Counsel's review and approval.*

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

**1B PUBLIC HEARING: MASS COMMUNITY DEVELOPMENT BLOCK GRANT 2008
Community Development Strategy**

Chairman Avellar read the Public Hearing Notice into the record. Opening comments by Michelle Jarusiewicz.

Public Comments – None

Board of Selectmen Comments

Grant Administrator Michelle Jarusiewicz gave an extensive presentation on the background for the Town's strategy for this grant. She covered Community-Based Planning Requirements, Mandatory MCDBG Thresholds, Timetables, Previous Projects since FY 2001, what this Grant could and could NOT be used for.

She included in her presentation and reviewed Community Development Strategy – FY 2008 for the Town that include: Planning Tools, Annual Town-wide Policy Goals establishing priorities, Affordable Community Housing Plan, Economic Development Planning, Local Comprehensive Plan, EO418 Community Development Plan, Capital Improvement Program, Fiscal Policy Plan, Action Plan, Affordable Housing, Economic Development, Funding and Sustainable Development Principles. Also included in her packet was the Priority Project & Activities as reflected in the Annual Goals Adopted for FY 2008 by the Board of Selectmen.

Open dialogue ensued.

MOTION: *Move that the Board of Selectmen vote to accept the Town of Provincetown's Community Development Strategy under the Massachusetts Community Development Block Grant's FY 2008 Community Development Fund program.*

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

Mary-Jo Avellar recused herself and left the room as her husband is a town employee whose services are leased to the Provincetown Public Pier Corporation.

**1C1 BOARD OF SELECTMEN & PROVINCETOWN PUBLIC PIER CORP
Annual Meeting**

PPPC Members Present: Lee Ash, Leonard Clingham, George Hitchcock, Kerry Adams, Anthony (Phil) Tarvers and Pier Manager Rex McKinsey

Chairman Clingham gave opening remarks followed by an overview financial report from Treasurer Kerry Adams.

Open discussion ensued. No motions made.

**1C2 GRANT APPLICATION: PROVINCETOWN PUBLIC PIER CORPORATION
Mass DEP Water Quality Program Grant Request**

MOTION: Move that the Board of Selectmen vote to authorize the submission of a grant application by the Provincetown Public Pier Corporation in the amount of \$46,400 to the Massachusetts DEP, Bureau of Resource Protection, Division of Municipal Services, Boston, MA for the continuation of the Estuarine Water Quality Monitoring Project which began with a 604(b) grant last year.

Motion by: Austin Knight

Seconded by: Lynne Davies

Yea 4 Nay 0

Mary-Jo Avellar returned.

2. PUBLIC STATEMENTS

Mary-Jo Avellar recused herself and left the room as her husband is a town employee whose services are leased to the Provincetown Public Pier Corporation.

Candace Nagle – Read statement into the record as a member of the Float Owners of MacMillian Pier complaining that the Pier Corp will not allow float owners to rent their spaces to recreational vessels to raise additional revenues.

Mary-Jo Avellar returned.

Mike Toland & David Quinn of AmeriCorps – currently working with Shellfish Constable in Provincetown and would like do more work within Provincetown.

Thanassi Kulopulos – Two wind turbines that were suppose to go to Eastham that have been paid for and available from the State. We can put them at the High School and Wastewater Treatment Plant. In process of putting together a group and have come up with \$20 to \$30 Million to possibly put a Wind Farm on the Highway – if the Town is interested, could possibly take the town off the grid. Let me know what you feel.

Amy Germain - Love hearing and reading about renewable energy and the Recycling and Renewable Energy Committee is meeting on Thursday, and we are looking for input and need members on our committee.

Barbara Rushmore – Glad that you were able to squeeze some money and work out the budget. Maybe town staff should look at the accounting letters from years past that had corrective suggestions in them. We have to pave Commercial Street, and need to get moving on having Public Hearings on this as soon as possible. Also be careful on getting Grants. Sorry the Town didn't vote for my article to cut the funds down for the VSB.

George Bryant – 1) Suggested that the Board of Selectmen start being a liaison between other boards once again. 2) Start marking Street Drains so people know what they throw in them, and what ends up in the harbor. 3) Surprised that the parking lot at Grace Gouveia was repaved, and questioned the DPW's use of paving as an impermeable surface and not using recyclable materials for the retaining wall. He wants everyone to understand that this was not the "green" thing to do. Who paid for it? What warrant article it came out of? Who authorized it?

Mary-Jo Avellar recused herself and left the room as her husband is a town employee whose services are leased to the Provincetown Public Pier Corporation.

Marcene Marcoux - Important that the Pier Corp have a public meeting regarding their courtesy float.

Mary-Jo Avellar returned.

Regarding Board meetings – please publish if there is going to be Public Statements.

Hope that when you consider the budget for 2009, that there are going to have to be cuts and restructuring.

Clarence Walker

Mary-Jo Avellar recused herself and left the room as her husband is a town employee whose services are leased to the Provincetown Public Pier Corporation

A thought with regards to the Pier would be potential good news of a possible buyer. 1) I think the Town and the Pier Corp should be doing some forward thinking now. 2) In anticipation of the meeting next week

we have created the Provincetown Association of Concerned Citizens. We are inviting everyone to come to Fanizzi's next Sunday between 4 and 5:30 pm so they can intelligently put together their ideas.

Mary-Jo Avellar returned.

Cheryl Andrews - First, thank you to all of you for your hard work. I'm here tonight representing the Provincetown Housing Authority.

Pam Parmakian recused herself and left the room due to possible future or potential financial interest.

Asked for clarification on amount of units the board approved for RFP (40). Was it stricken or did you keep it?
Answer - We kept it. Cheryl – That language wasn't in the RFP when the three housing groups reviewed it. Frankly, I was rather surprised to see it appear in the RFP on Friday because the RFP came with a cover sheet saying that we all had reviewed the draft. The issue of density, of course, is a big one and it struck me as really important to make sure that you are clear that we did not vent that issue. If the language stays, what you are saying to the developers is that you want them to max out the property. Which are you looking for an Ice House – is my question .. and if so, say that in your RFP. I just want to call that section of the RFP to your attention because it wasn't something that any of the three housing groups talked about. I didn't hear you folks clearly talk about what kind of density you'd like, particularly under 40B where they are going to be looking to you to know what you want in your RFP. I just wanted you to be aware of that, and if that is what you want, so be it, that is your prerogative. And it was a concern to me because I did sign the original agreement. The Housing Authority did co-sign the application, and it did say approximately 40. So that seems to be what people are expecting. I appreciated your comments on tenant selection. I think the Assistant Town Manager did an admirable job, and it may be something to that that your staff didn't agree with but the reality is that we are not experts. We don't know what the perfect answer is either, but we came up with one. I would say for the record there are at least two affordable housing projects in Provincetown where exactly that scenario occurred, and where the selection entity is not the developing entity at all. Maybe that is the answer, maybe it is not, but it is a concern.

Vernon Porter – As you all saw in my office there is a live tree that is lit up. It was given to me by Pete Denault. Peter's other half, was Roger Keene, who did an awful lot for the Historic Commission here in Provincetown passed away a few months ago. I would like to suggest to have the Board of Selectmen consider making a motion, if they so desire, and to plant the tree on the Ryder Street side lot of Town Hall in memory of Roger Keene after the Holiday Season. I have also mentioned this to the Beautification Committee, and they are in agreement with this as well.

3. SELECTMEN STATEMENTS

Michele Couture

MOTION: Move that the Board of Selectmen vote to plant the tree donated by Vernon Porter as mentioned during public statements on the Ryder Street side of Town Hall in memory of Roger Keene.

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

Public Hearings on paving. We need to have a few meetings, and we should start having them as soon as possible.

Mr. Bryant mentioned about having liaisons between Boards. It has come up a couple of times, and I think it is a great idea. We have a wealth of experience on boards.

Ms. Marcoux mentioned about the \$70K that we have appropriated for the architecture for Town Hall. I have to disagree with you. We have been putting this off for quite some time to the detriment of Town Hall. This is the heartbeat of the Town, and I think that we have done it on the cheap for as long as we possibly can. We need to get more information as to exactly what is required. There are structural deficiencies in this building that should have never been allowed to have been put off as long as they have been. I think we need to take a good look at having this done in the appropriate and complete manner.

To Thanassi – There is no such thing as a free windmill. Someone from Congressman Delahunt's office seduced me with the idea of two free windmills, and I took that to the Town Manager. It turns out it was not

so very free after all. It is one of our Board's policies, and we have had Mass Collaborative here before. We are trying to get them on our agenda the second week in January.

Shuttle Update – There is a meeting next week and we should have something soon.

Sidewalk on Conwell Street – Discuss maybe sometime in February before Traffic Hearing. Maybe make Off-Cemetery Road one-way.

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Pam Parmakian

- DOR - when are they coming down? Answer – Still scheduled for January.

The VSB 5 Year Plan – when will we do this? Answer – Will schedule for a future meeting as soon as possible.

MOTION: Move that the Board of Selectmen vote to thank all those involved on the Business Summit: EDC, VSB, Staff, Crown & Anchor, Chamber of Commerce & Business Guild .. all the appropriate parties.

Motion by: Pam Parmakian

Seconded by: Austin Knight

Yea 5 Nay 0

At the business summit I worked in a group called Infrastructure, and there was an exchange of some good ideas. One of the topics was the ability for our municipalities to accept payments through credit cards. Two days later we received an email from a company called Point and Pay, (at no cost to us), that works strictly with Government Agencies, and allows taxpayers to pay their property taxes and other fees by credit card or debit card so that they are not going to incur late fees or other charges. Town Manager Comments - The Town Manager and Finance Director met this morning to start budget discussion. In that meeting, we did discuss instituting credit card payments, and putting in motion the mechanism in place to have that start as soon as possible.

Is it possible on our Town Board Website to add either contact emails, staff contact, or board member contact?

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Lynne Davies

- I want to thank AmeriCorps, and would be interested in looking at the information they provided.

- I want to extend my thanks to everyone who attended the Business Summit. We were pleasantly overwhelmed by the number of participants – some first timers, and some second timers. I am very pleased with the results, and am looking forward to the workshops and the next meeting on March 18th.

While we have Mr. Guertin here from DPW, can you shed some light on the Alden Street COA paving? David Guertin – I think the selectmen should offer a "Thank You" to the Council on Aging who wrestled with this issue to include one side to remain unpaved. Upon further discussion, the Council on Aging felt that paving both sides would serve the population that uses the building better, and therefore staff and M&E altered the plans at no additional cost. As to the retaining wall, it was in answer to get as much parking as possible, again a request we acted on, and as to that choice of materials - it is easily repaired. While we are not 100%, it is looking good, and we believe we have followed the COA Boards wishes 100% . The funds came from town meeting Article 1 - Nov. 2006.

In answer for 90 Shankpainter – I do not want an Icehouse.

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Austin Knight

I attended the Selectmen's Association Christmas Party last Friday, and the subject came up about generators available from Federal Bases at no cost to municipalities, that are closing throughout the country. David Guertin – We are already on the list for the surplus equipment from the Newport Navy Base.

Back wall of Grace Gouveia – The COA asked DPW to increase parking and asked for the concrete wall.

MOTION: *Move that the Board of Selectmen vote to send a “Thank You” letter those involved at the Sr. Dinner.*

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

MOTION: *Move that the Board of Selectmen vote to send a thank you letter to all Dillon & Shannon Patrick for sending packages to the Soldiers.*

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

Mary-Jo Avellar – None at this time.

4A APPOINTMENT – Zoning Board of Appeals

MOTION: *Move that the Board of Selectmen vote to reappoint George Stephen Young as a Regular Member of the Licensing Board with a term expiration date of December 31, 2010.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Michelle Haynes Lohn as a Member At Large on the Visitor Services Board with a term expiration date of December 31, 2010.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Eleanor Irving as a Regular Member of the John Anderson Family Scholarship Committee with a term expiration date of December 31, 2010.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Eleanor Irving as a Regular Member of the Town Scholarship Committee with a term expiration date of December 31, 2010.*

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

5A ECONOMIC DEVELOPMENT COUNCIL: H2B & J1 VISAS

Mary-Jo Avellar - We do have a crisis with the prospect that we may not get our J1 or H2B Visa workers in for this coming season. I spoke with Mark Forest, and we do not need to send letters to our Representatives in the Congress.

Town Manager Sharon Lynn gave an update on information she received from Mark Forest of Representative Delahunt’s Office. It doesn’t appear to be a good picture. Things were going along OK until the Spanish Caucus entered into the picture. Mary-Jo Avellar – the Representative Joseph Baca, and Mark Forest suggested that we publish his telephone number, both in the newspapers, and on PTV so people can start calling his office. This is the person we have to be in contact with. We need to find out how many seasonal workers we have in town, and what the loss is going to be if we don’t get them in.

Michele Couture – Who wrote this letter? It is the first time I’ve heard of hires from New Bedford, and I’m not clear on what that is. I would like some clarification from the folks who put this letter together.

Alix Ritchie – I’m here representing the EDC because our Chair and Vice-Chair could not be here this evening. There are other members here from the EDC who have been waiting for this agenda item. I would like to say, however, that there is later information than the information that you just heard, and it is a little better news than what you have.

Joy McNulty – Just before I came out tonight, Joe Baca from California rescinded the decision to pull us. They are going to support us. We’re on the agenda. We’re involved on the Omnibus bill. It’s going to the House tomorrow. Rescinded the following day and I’m hoping to have it go to the Presidents desk on Friday, and it’s the best news we could have possibly had. The Hispanic Caucus has dropped their opposition to us, and it’s formal, and it happened late tonight just before we came out. I’m thrilled to be able to tell you that because it is wonderful news.

I have a second piece of information for you that you might be interested in. That even those people who are

going in as new hires will be able to get in the first 33K because as of December 4th there is only 7K applicants for the 33K slots. So I have two pieces of very good news for you tonight. I will tell you and then leave OK?, real soon that 1) we cannot ever put ourselves in this position again. And 2) what this should be a conversation about is what can we do about next year This is a one year fix.

Austin Knight – the Cape Cod Selectmen & Councilor’s Association are looking for the figures from all the towns throughout the Cape so they can determine the impact if this does not happen, so they can make a regional impact statement.

Alix Ritchie – It is happening at the County level as well. The purpose of the letter, at the very least, is to use the town’s ability to reach out to all license holders to gather information about how many H2B and J1 employees, either fulltime or part-time.

MOTION: *Move that the Board of Selectmen vote to have Staff redraft a letter to be distributed to all Provincetown licensees surveying their need for H2B and J1 visa employees for the 2008 season and to direct staff to work with the business community to address this critical workforce issue; remove sentence related to New Bedford workforce, and post it on our town website.*

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

5B **ECONOMIC DEVELOPMENT COUNCIL**

CCEDC MOU: Phase II Economic Development Plan

MOTION: *Move that the Board of Selectmen vote to approve the Memorandum of Understanding [MOU] and accept a grant for \$35,000 from the Cape Cod Economic Development Council for Phase II of a technical assistance project for the creation of an economic development plan.*

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

MOTION: *Move that the Board of Selectmen vote to take agenda item 6B & 6C out of order.*

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

6E **SPLIT TAX RATE**

FY 2008 Property Tax Rate Pre-Classification Discussion

Presentation by Assessor Paul Gavin. Open discussion ensued. No motions made.

6C **PAY-AS-YOU-THROW PROGRAM**

Reschedule to January meeting.

6D **CELL TOWER REQUEST FOR PROPOSALS**

Lease of Municipal Real Estate for Wireless Communications

MOTION: *Move that the Board of Selectmen vote to authorize the Town Manager to issue a Request for Proposal (RFP) for Wireless ~~Communications~~ for Communications for the lease of property at the Waste Water Treatment Plant located at 200 Route 6, consisting of approximately 2,000 squarete feet of land, for the construction of a Telecommunications Facility.*

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

6A **FY 2009 BUDGET REVIEW SCHEDULE**

Schedule Special Board of Selectmen Meetings for Mid-January

MOTION: *Move that the Board of Selectmen vote to schedule special meetings to review the FY 2009 operating and capital budget requests on the following dates – January 15, 16, and 17, 2008 at 6 PM.*

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

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

Open Discussion. No motions made. Next meeting will be in Truro.

Town Manager to schedule joint meeting with Truro Board of Selectmen.

6F TOWN MANAGER FOLLOW-UP/OTHER

Nothing at this time.

6F1 PROVINCETOWN CULTURAL COUNCIL

FY 08 Massachusetts Cultural Council Local Allocation Grant Award

MOTION: Move that the Board of Selectmen vote to accept a grant award for \$4,000 under the Massachusetts Cultural Council grant program for the Local Cultural Allocation for the Provincetown Cultural Council.

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

6F2 TREASURER'S TRANSFER

Library Building Gift Fund

MOTION: Move that the Board of Selectmen vote, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$16,617.00 from the Library Building & Gift Fund to pay for the attached invoice(s).

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

7. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

Tabled to January 14, 2008 meeting.

8. CLOSING STATEMENTS

Austin Knight - None Michele Couture – None Pam Parmakian – None

Lynne Davies – None Mary-Jo Avellar - None

Motion to adjourn by Michele Couture at 10:46 PM.

**Minutes transcribed by: Vernon G. Porter, Secretary
December 19, 2007**