

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING – MONDAY – JANUARY 28, 2013 6 PM
TOWN HALL – JUDGE WELSH ROOM

Chairman Austin Knight convened the meeting at 6:00 PM noting the following:

Board of Selectmen attending: Austin Knight, Elaine Anderson, John Santos, David McChesney and Erik Yingling.

Other attendees: Assistant Town Manager David Gardner and Municipal Finance Director Dan Hoort.

Recorder: Vernon Porter

The following are meeting minutes, in brief:

1A PUBLIC HEARING: 2012 GROWTH MANAGEMENT REPORT

Present: Assistant Town Manager David Gardner, Community Housing Council Michelle Jarusiewicz

David McChesney read the public notice into the record.

No written comments received by the Board of Selectmen office.

David Gardner – Gave an overview of the 2012 Growth Management Report.

Michelle Jarusiewicz –Still a huge gap from the recommendations by Consultant John Ryan back in 2006 of 250 needed units. This year we added 65 new rental units. Other needs are Senior Housing and workforce housing. Local need is still high for resources and attention.

Public Comments:

Cathy Russo – Very concerned about affordable housing. We need another housing summit.

Scott Caldwell – Asked the Board of Selectmen to “think things through before you make a decision.” My licensing fees when up 200% this year.

Selectmen Comments

Elaine Anderson – May need to revisit and look into all the growth management categories and see what we can do about it.

David McChesney - Is it possible to qualify people up front? Michelle - We do an assessment but it would be necessary to revisit the applications to have them updated. Community Housing updates their list each year.

Erik Yingling – Report demonstrates that we have accomplished quite a bit but we still have a long way to go. This has my full support and we need to take all things into consideration (developers, homeowners, abatements, etc.)

MOTION: *Move that be Board of Selectmen vote, pursuant to the Provincetown Zoning By-Laws Section 6600 (3), Growth Limitation Goal Allocations, to make the following*

findings that the average daily withdrawal for the Provincetown Water System in 2012 was 659,157 GPD; that the permitted level is 850,000 GPDs; and that, therefore, the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations by DEP with respect thereto, and to make the following 2013 allocations to growth management:

*Category 1A: 550 gallons
Category 1B: 550 gallons
Category 1C: 550 gallons
Category 2: 1100 gallons
Category 3: 1540 gallons
Category 3A: 330 gallons
Category 4: 1250 gallons
Category 4a: 2500 gallons*

Motion by: Elaine Anderson Seconded By: David McChesney Yea 5 Nay 0

1B PUBLIC HEARING: ECONOMIC DEVELOPMENT PERMIT

Chamber of Commerce / Post Office Café, 207 Commercial Street

Present: Post Office Café owner John Drago, Chamber Executive Director Candace Collins-Boden, Chamber Vice President Mick Rudd and Chamber Secretary Susan Avellar

Elaine Anderson read the public statement into the record

Written comments received by Board of Selectmen office and read into the record from: Mick Rudd Vice-Chair, Chamber of Commerce; Custodio Silva owner of KC Animal Resort and Elaine Quigley, General Manager of Surfside Inn.

John Drago - Will add 9 to 12 employees and would consider opening year round.

Candace Collins-Boden & Mick Rudd – Chamber welcomes this new venture between the two of them and it will be great for economic development.

This EDP request is to add 24 full service seats to the existing adjacent restaurant (24 x 35 gpd 840 gpd). The property is owned by the Provincetown Chamber of Commerce and will be leased to the adjacent Post Office Café. The EDP award will only be good for the life of the lease or life of the business. Attached to the agenda item is the “DRAFT” Economic Development Permit, along with supporting information including the EDP application, and a floor plan of the unit.

Public Comments - None

Elaine Anderson – Impressed that the two businesses have come together for this venture.

Erik Yingling - Encouraged that you will be hiring more people and I would like to see you as a year round business.

MOTION: *Move that be Board of Selectmen vote to approve Economic Development Permit 13-01 for 307 Commercial Street, John Drago on behalf of Post Office Café, applicant, and Provincetown Chamber of Commerce, owner, based on findings that the proposed use is consistent with the criteria set forth in Selectmen’s Policy 2009-02-09, specifically:*

- *Support year-round incomes, and*

- *Support an extended employment season, and*
- *Create or enhance employment opportunities, and*
- *Help to diversify Provincetown's economic base, and*

subject to the attached permit with conditions as submitted

Motion by: John Santos Seconded By: Erik Yingling Yea 5 Nay 0

1C JOINT MEETING W/SCHOOL COMMITTEE & FINANCE COMMITTEE

Attendees: Superintendent Beth Singer; Cass Benson, Jamie Kryszkiewicz, Loretta Stewart, Kerry Adams and Patrick Shannon.

FinCom Members: Michael Canizales, Douglas Cliggott, Catherine Russo, Tom Donegan, Clarence Walker and Gordon Siegel

Superintendent Singer gave a brief overview of the budget – Total appropriation for FY 2014 is \$3,367,784.00 representing a 3.088% increase. The budget that was sent out two weeks ago and after our meeting tonight, there is only one budget change. Updated version will be sent out to all parties tomorrow.

FY14 is the first year without a high school. High School costs have decreased approximately 50% over the last 4 years. Tuition agreement with Nauset limits the increase to 2.5%. The actual cost increase 47.6%. The town will also save by consolidating into the Veterans Memorial Community Center. The student population has grown 28%, although the teacher staffing has been reduced by 15 since 2010. Total employment: 38.7 personnel (includes teachers).

Elaine Anderson – Would like get the paperwork in advance of our meeting and in more detail.

Dr. Singer: Staff is down substantially by 19 people since last year. Student population 125 – approximately 112 from Provincetown.

Erik Yingling – Would like a more detailed budget narrative. Encouraged by the increase in enrollment. What does it cost us to educate students?

John Santos – Agree with Selectmen Yingling. Breakdown between the two schools. Beth: If we vacate the school we would have to pay over \$1M remaining. But as long as we have a student there is no charge.

FinCom Chairman Donegan - Finance Committee express condolences to Sharon Lynn and her family. There is a joint Mtg. schedule for March 11th with FinCom/School Cmte and Board of Selectmen.

FinCom members would like more details and time to review the school budget and are interested in seeing more demographic data about student enrollment and how those numbers impact the budget process.

FinCom will work with the School Committee and offer some templates and tools as a way of looking at the budget and that will clarify things for everyone.

MOTION: *Move that the Board of Selectmen vote to support the installation of fencing up to the amount of \$20,000.*

Motion by: Elaine Anderson Seconded By: David McChesney Yea 5 Nay 0

The school is seeking grant funding to reimburse the town for the new school roof through the Massachusetts School Building Authority Statement of Interest Application. Will be bringing this before the Selectmen at a future meeting.

2. PUBLIC STATEMENTS

Treg Kaeselau - Extremely happy with his child's education at Nauset.

Mary-Jo Avellar – Attended the Green Energy Seminar at the MMA this past weekend. We need to get on the ball. Should deploy solar panels on town owned buildings. Concerned about Open Meeting Law changes that are hampering committee businesses. On a subcommittee to look at Pilgrim Nuclear Plant. Bills will be filed in the General Court. Board of Selectmen should talk with the Health Department and have a plan in place. Wants to move the painting from the Town Manager Sharon Lynn's conference room.

3. SELECTMEN STATEMENTS

Elaine Anderson – To our residents – please shovel snow and ice from your walkways. Need to push bike trails discussion

David McChesney – Have staff look into wind turbines and consider placing a turbine at Knowles Crossing.

Erik Yingling – Wants joint meeting with bike committee on future agenda to talk about bike paths. Also concerned about nuclear power plant as mentioned by our Moderator. And we need to ensure that our supplies of potassium iodide are on hand and up to date. Would like a copy of the bills filed with the court.

MOTION: Move that the Board of Selectmen vote to support Representatives Peake and Wolf in their efforts regarding the Pilgrim Nuclear Plant.

Motion by: Elaine Anderson Seconded By: David McChesney Yea 5 Nay 0

John Santos – People should submit articles to the traffic hearing as soon as possible. Sign on Route 6 should be relocated. Town should plan a bike trail and make trail connections throughout town. Need to get people off Conwell St.

Austin Knight - None

4A BOARD OF SELECTMEN APPOINTMENTS – None at this time.

5A TOWN CLERK – 2012 TOWN REPORT DEDICATION

Town Clerk Doug Johnstone

The list prepared by the Town Clerk is attached to the agenda item. It has been the Town's longstanding practice to so dedicate the Annual Town Report.

MOTION: Move that the Board of Selectmen vote to dedicate the 2012 Annual Town Report to those current and former Town board members and employees who died during calendar year 2012, as contained in the attached list of names submitted by Town Clerk

Douglas Johnstone.

Motion by: John Santos Seconded By: Elaine Anderson Yea 5 Nay 0

5B PROVINCETOWN PUBLIC PRESS

eBOOKS and iBOOKS for Town Residents

Attendees: Library Director Cheryl Napsha and Marketing Program Director Matt Clark. Free service to all residents and help put them on line.

Open discussion. Selectmen would like staff to have Town Counsel weigh in on this and further to consider charging a nominal fee for its use.

5C1 REGIONAL MCDBG GRANT APPLICATION

FY 2013 Community Development Fund Grant

Present: Community Housing Specialists Michelle Jarusiewicz

Provincetown has participated in a regional application for a housing rehab program for over 12 years, originally with a larger group through the Town of Eastham, now with the Town of Wellfleet. The program offers code correction assistance for income eligible properties.

MOTION: *Move that the Board of Selectmen vote to authorize participation in a regional Massachusetts Community Development Block Grant Community Development Fund Application with the Town of Wellfleet for a grant of approximately \$1,100,000 for a housing rehabilitation program and a childcare subsidy program through the Massachusetts Department of Housing & Community Development.*

Motion by: John Santos Seconded By: Elaine Anderson Yea 5 Nay 0

5C2 60 RACE POINT ROAD #3 RESALE

Resale of Affordable Income Unit

Present: Community Housing Specialists Michelle Jarusiewicz

All documents have been approved as to form by town counsel. On December 17, 2012 a lottery was conducted for the resale of this one-bedroom low/moderate income ownership unit, priced at 65% AMI, \$102,819 which includes \$5,000 for the resale fee which will go to the Town. Three applicants were part of the lottery.

MOTION: *Move that the Board of Selectmen vote to approve of the sale of 68 Race Point Road #3 to Brad Carlson as being in compliance with the affordable housing deed riders encumbering the units; release and discharge the mortgage held by the Town on the unit; and accept new mortgage and affordable housing deed rider on the unit from the purchaser thereof to secure the future affordability of such unit; and, further, to sign and/or authorize the Chair to sign on the Board's behalf, an Eligible Purchaser Certificate, a Discharge of Mortgage, and any and all other documents necessary or convenient to accomplish the foregoing.*

Motion by: Elaine Anderson Seconded By: David McChesney Yea 5 Nay 0

5D EXTENSION OF TOWN HALL AUDITORIUM HOURS

Provincetown Roundup – Serenity by the Sea Costume Ball

Present: Applicant Erik Martin. Alcohol will not be served at this event

MOTION: *Move that the Board of Selectmen vote to approve the request of Erik Martin, on behalf of the Provincetown Roundup to extend the closing hour of the Town Hall Auditorium to 1:00 AM (for entertainment purposes), on Saturday, October 26, 2013 to hold their Serenity by the Sea Costume Ball pending approval of a special entertainment permit from the Licensing Board.*

Motion by: Austin Knight **Seconded By:** David McChesney
Yea 3 Nay 2 (Elaine Anderson / John Santos)

5E1 RELEASE OF COVENANT – Economic Development Permits
333R Commercial Street

Present: Assistant Town Manager David Gardner. At the request of the property owner, the Economic Development Permit and associated assigned title 5 flow has been abandoned.

MOTION: *Move that the Board of Selectmen vote to approve the release and termination of Economic Development Permit and Declaration of Covenants No.12-10 dated September 10, 2012 for 333R Commercial Street.*

Motion by: John Santos **Seconded By:** Elaine Anderson Yea 5 Nay 0

5E2 RELEASE OF COVENANT – Economic Development Permits
63 Shank Painter Road

Present: Assistant Town Manager David Gardner. At the request of the property owner, the Economic Development Permit and associated assigned title 5 flow has been abandoned.

MOTION: *Move that the Board of Selectmen vote to approve the release and termination of Economic Development Permit and Declaration of Covenants No.11-04 dated June 13, 2011 for 63 Shank Painter Road.*

Motion by: John Santos **Seconded By:** Elaine Anderson Yea 5 Nay 0

6A FY 14 CAPITAL IMPROVEMENTS PLAN
Municipal Finance Director Dan Hoort

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Move that the Board of Selectmen approve Department 421 Building Maintenance CIP in the amount of \$45,000 for FY 2014.

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 5 Nay 0

Page 70 *Bring back re: Guard Rail & Post*

Department 299 Parking Lot Renovations CIP in the amount of \$40,240 for FY 2013.

The following motions approve the recommendations for funding sources for the approved CIP requests. FY 2013 is on page 2, FY 2014 is on page 3

Move that the Board of Selectmen approve the funding sources for the FY 2013 and FY 2014 CIP Requests as presented .

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 5 Nay 0

6B **TOWN MANAGER FOLLOW-UP** - None

6C **OTHER** – Assistant Town Manager David Gardner.

LED lighting demonstrations going forward.

A Provincetown family was found living without running water or heat – after inspections we held an emergency meeting of the Board of Health. Special thanks to Plumber Ian Millard and Jimmy Roderick.

Transfer Station solar project update – Progressing, Town Counsel reviewing agreements, Engineers on site to conduct soil testing.

Future agenda item: Research solar panels on telephone poles.

6C1 **MOTION:** *Move that the Board of Selectmen vote to accept a grant, on behalf of the Provincetown Fire Department, in the amount of \$62,600.00 from the Federal Emergency Management Agency (FEMA) and the Department of Homeland Security (DHS) under the FY 2012 Assistance to Firefighters Grant Program for the purchase of equipment for the “Removal of Vehicle Exhaust Fumes at Fire Stations” and to authorize the Fire Chief to execute such grant contract.*

Motion by: David McChesney **Seconded By:** John Santos Yea 5 Nay 0

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

MOTION: *Move that the Board of Selectmen approve the minutes of: January 10, 2013 (Budget Mtg.); January 14, 2013 (Regular Mtg.) and January 15, 2013 (Budget Mtg.)*

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 5 Nay 0

8. **CLOSING STATEMENTS**

Elaine Anderson – Sincere sympathies to Town Manager Sharon Lynn on the loss of her mother.

David McChesney – My sympathies to Town Manager Sharon Lynn and John Forde families.

Erik Yingling – Sympathies to Town Manager Sharon Lynn on the loss of her mother.

John Santos – Will not be at next meeting - going on vacation, will see you the end of February

Austin Knight – None. (Vernon sent cards on behalf of the Board of Selectmen last week.)

Motion to adjourn by John Santos at 9:40PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
February 5, 2013