



# Meeting Agenda

The Provincetown Board of Selectmen will hold a public meeting on Monday, July 13, 2015, at 6:00 p.m. in Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657.

*Consent Agenda – Approval without objection required for the following items:*

- A. *Treasurer's Transfer – John A. Henry Trust Fund – to pay for invoice from the Cape Cod Children's Place, Inc., in the amount of \$4,200.00.*
- B. *Parade Permit Application submitted by James R. Winfield on behalf of the Yankee Lambda Car Club's Annual Antique Care Parade to be held on Saturday, September 19, 2015, from 2pm to 3pm.*
- C. *Parade Permit Application submitted by Paul Curley on behalf of the American Lung Association's 31<sup>st</sup> Annual Autumn Escape Bike Trek to be held on Sunday, September 27, 2015, from 10am to 3pm.*
- D. *Reappointment of Susan Cook as a Regular member to the Community Housing Council to an additional three year term expiring on June 30, 2018.*
- E. *Execute a Contract Amendment in the amount of \$28,394.00 with Jacobs Engineering Group for consultant engineering work for Replacing Floodlighting for the Provincetown Municipal Airport.*
- F. *Year End Budget Transfers – Finance Director Dan Hoort.*

1. Public Hearings - Votes may be taken on the following items:
2. Public Statements – Three (3) minutes maximum. Selectmen do not respond to Public Statements.
3. Selectmen's Statements – Initial comments from the Selectmen. Discussion dependent-votes may be taken.
4. Joint meeting / Presentations - Votes may be taken on the following items:
  - A. Joint Meeting with the Housing Council – Housing Action Plan Update and Discussion of Draft Special Act Language regarding Year-round Rental Housing Trust.
5. Appointments - Votes may be taken on the following items:
  - A. Appoint Karen Cappotto as an Alternate member to the Economic Development Committee with a term to expire on December 31, 2016.
  - B. Appoint Elsie Cozzi as an Alternate member to the Harbor Committee with a term to expire on June 30, 2018.

6. Requests - Votes may be taken on the following items:
  - A. 63 Shank Painter Road License Request – Liz Athineos.
  - B. Requesting Approval of Board of Health Fee Schedule as determined at a Public Hearing on Thursday, June 18, 2015 – Director of Health & Environment Morgan Clark.
  - C. Wastewater System Update – DPW Director Rich Waldo.
  - D. Trailer Mounted Diesel Generator – DPW Director Rich Waldo.
  - E. Transportation & Civil Engineering Services – DPW Director Rich Waldo.
  - F. Police Report for the Month of June 2015 – Acting Police Chief Jim Golden.
7. Town Manager / Assistant Town Manager - Votes may be taken on the following items:
  - A. Set date for the Fall Special Town Meeting on Monday, October 26, 2015, and Special Election on Tuesday, October 27, 2015.
  - B. Town Manager Search Matters.
  - C. Other – Other matters that may legally come before the board not known at the time of posting. Votes may be taken.
8. Minutes – Approve minutes of previous meetings. Votes may be taken.
9. Closing Statements/Administrative Updates - Closing comments from the Selectmen. Discussion dependent; motions may be made; votes may be taken.
  - A. Letter to Elaine Anderson.
  - B. Thank you letter to Louise Silver.

**MOVE that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A Section 21 (a) Clauses 2 & 6 for the purposes of:**

Clause 2 – To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel. Police Chief Contract Negotiations. Votes may be taken.

Clause 6 – To consider the purchase of, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Potential Sale of Property located at 311 Bradford Street. Votes may be taken.

and not to convene in open session thereafter.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

00

## CONSENT AGENDA

Approval required for the following items:

Requested by: BOS Chair Tom Donegan

Action Sought: Approval

### Proposed Motion(s)

***MOVE that the Board of Selectmen vote to approve items listed on the consent agenda as submitted.***

*Consent Agenda – Approval without objection required for the following items:*

- A. *Treasurer's Transfer – John A. Henry Trust Fund – to pay for invoice from the Cape Cod Children's Place, Inc., in the amount of \$4,200.00.*
- B. *Parade Permit Application submitted by James R. Winfield on behalf of the Yankee Lambda Car Club's Annual Antique Care Parade to be held on Saturday, September 19, 2015, from 2pm to 3pm.*
- C. *Parade Permit Application submitted by Paul Curley on behalf of the American Lung Association's 31<sup>st</sup> Annual Autumn Escape Bike Trek to be held on Sunday, September 27, 2015, from 10am to 3pm.*
- D. *Reappointment of Susan Cook as a Regular member to the Community Housing Council to an additional three year term expiring on June 30, 2018.*
- E. *Execute a Contract Amendment in the amount of \$28,394.00 with Jacobs Engineering Group for consultant engineering work for Replacing Floodlighting for the Provincetown Municipal Airport.*
- F. *Year Round Budget Transfers – Finance Director Dan Hoort.*

### Additional Information

*See attached documents.*

### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

00A

## TREASURER'S TRANSFERS

### John A. Henry Trust Fund

Requested by: Treasurer Constance Boulos, 06/23/15

Action Sought: **Approval**

#### Proposed Motion(s)

**MOVE** that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$4,200.00 from the John A. Henry Trust Fund for the payment of the attached invoice(s).

#### Additional Information

This payment is supported by an annual contract between the Town and the Cape Cod Children's Place for FY15 of \$19,000.00 to be expended from the John A. Henry Trust to assist less fortunate children. This will leave a remainder of \$501,637.21 in the Estate of John A. Henry.

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



# TOWN OF PROVINCETOWN

## REQUEST OF TRANSFER OF FUNDS

Date: July 13, 2015  
To: Constance Boulos, Treasurer  
From: Board of Selectmen

As Commissioners of the John A. Henry Trust Fund permission is hereby granted to you, the Treasurer of Provincetown, to pay the following award(s):

\$ 4,200.00 Cape Cod Children's Place, Inc.  
04/01/2015 – 06/30/2015

\$ 4,200.00 Total

The Honorable Board of Selectmen:

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Thomas N Donegan, Chair

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Erik Yingling, Vice Chair

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Cheryl Andrews, Selectman

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Raphael Richter, Selectman

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Robert Anthony, Selectman



cape cod children's place, inc.

TO: Chris Hottle  
Director of Public Health & Human Services

FROM: Kathy Fee  
Fiscal Manager

DATE: June 15, 2015

RE: John Henry Trust

**INVOICE**

Please reimburse Cape Cod Children's Place, Inc. for the following invoices paid on behalf of the John Henry Trust for the period of April 1 to June 30, 2015.

<b>Date Paid</b>	<b>Invoice #</b>	<b>Purpose</b>	<b>Amount Paid</b>
4/10/15	JHT15-13-ME	Orthodontics	1,200.00
6/15/15	JHT15-14-GLR	Tuition	3,000.00
<b>Total Balance Due</b>			<b>\$ 4,200.00</b>

Thank you.





Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday July 13, 2015

00B

## PARADE PERMIT REQUEST

### Yankee Lambda Car Club

Requested by: James R. Winfield., Yankee Lambda Car Club

Action Sought: Approval

#### Proposed Motion(s)

**MOVE that the Board of Selectmen vote to approve the Parade Permit Application submitted by James R. Winfield, 467 S. Main Street, Pascoag, RI, on behalf of the Yankee Lambda Car Club's Annual Antique Car Parade to be held on Saturday, September 19, 2015, starting at 2:00pm to 3:00pm.**

#### Additional Information

See attached application and route information.

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

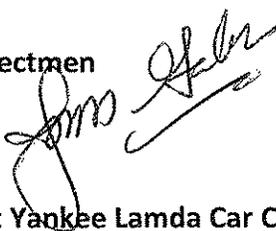
## Town of Provincetown

James F. Golden  
Chief of Police  
jgolden@provincetown-ma.gov



## Police Department

26 Shank Painter Road  
Provincetown, MA 02657  
Phone: (508) 487-1213  
Fax: (508) 487-4077  
www.provincetown-ma.gov

To: Provincetown Board of Selectmen  
From: Police Chief James Golden   
Subject: Staff Report Parade Permit Yankee Lamda Car Club  
Date: July 6, 2015

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Attached please find a completed parade permit on behalf of James Winfield for the Yankee Lamda Car Club event scheduled on Saturday September 19<sup>th</sup>.

The event is generally a two-stage event, with a static display of no more than 60 cars on Macmillan Pier followed by an escorted procession from 2:00pm to 3:15pm down Macmillan Pier, up Standish Street onto Bradford Street, then follows a course down the length of Commercial Street coming to an end near the Provincetown Inn rotary.

The first stage of this event (the static display) has been coordinated with Rex McKinsey the Pier Manager.

The second stage of the event, the car procession, is outlined in the parade permit.

This is an annual adult event and has been well coordinated in past years.

They have been advised that they will need one police officer for 4 hours for the escort procession. They have been advised that this will cost them approximately \$198.00.

Kindly ask them to contact Lisa Cook at the police department two weeks prior to the event to arrange for their private duty detail coverage.

This event is recommended for inclusion to the consent agenda.

Please let me know what questions you may have.

# Town of Provincetown Parade Permit Application

**Note:** This form must be submitted to the Board of Selectmen's office at least six weeks prior to the date of your event.

Applicant's Name: Yankee Lumber Car Club  
Address: 467 S Main St Phone: 401 692-2915  
City/Town: Pascoag State: RI Zip Code: 02859  
Email: ylccpresident@gmail.com

Applicant is:  Private Individual  Business  Non-Profit Corp

Individual Responsible: Name: James R Winfield  
Address: 467 S. Main St Pascoag, RI  
Phone: 401 692-2915  
Email: ylccpresident@gmail.com

Will charges or fees be collected?  Yes  No

Name & Purpose of Parade: Antique Car Parade  
Date of Parade: 9/19/15 Rain Date (if any): None  
Schedule: Start Time: 2 pm Finish Time: 3 pm  
Number of Marchers: 0 Number of Vehicles: 50

Events with amplified sound, entertainment, alcohol or food service MUST obtain Licensing Department approvals. Noise bylaw waiver applications required minimum 60 days prior to your scheduled event.

(Please indicate actual or estimated.)

**Note:** Use the attached map, highlight and provide a written plan of parade route including assembly and disassembly locations, special parade features or events as well as stopping locations if any are requested.

The undersigned applicant agrees that the applicant and parade participants will conform with applicable laws, by-laws, and regulations as well as with special requirements that may be made a condition of the granting of a parade permit pursuant to this application. I/we agree to hold the Town of Provincetown harmless from any and all liability and will defend the Town of Provincetown in connection therewith

Signature of Applicant: [Signature] Date: 6/15/15  
Application received by: [Signature] Date: 6.23.15  
(Secretary to Board of Selectmen)

**CONDITIONS and REQUIREMENTS**

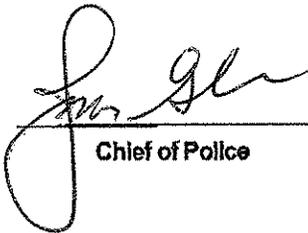
It is the obligation of applicants, organization(s) and responsible individuals to assure that their parade(s) is (are) orderly. Unless specifically authorized, there will be no parades held during the hours of darkness and no stopping of the parade to advertise or perform.

All parades will be assigned and will follow a police cruiser on the approved route. If the Chief of Police deems it necessary to assign additional officers as part of the parade permit, then the cost of such special duty officers will be borne by the applicant.

Any violation of applicable laws, by-laws, regulations, the above requirements, and/or special requirements made a condition of the granting of a Parade Permit will be grounds for immediate revocation of the Parade Permit, prosecution, and denial of future parade permissions.

**PARADE ROUTE. SPECIAL CONDITIONS. REQUIREMENTS. ETC.** (Please PRINT or TYPE and allow margin space)

**APPROVALS**

  
\_\_\_\_\_  
Chief of Police

Date 07-06-2015

**Board of Selectmen**

\_\_\_\_\_  
Chairman, Board of Selectmen

\_\_\_\_\_  
Selectman

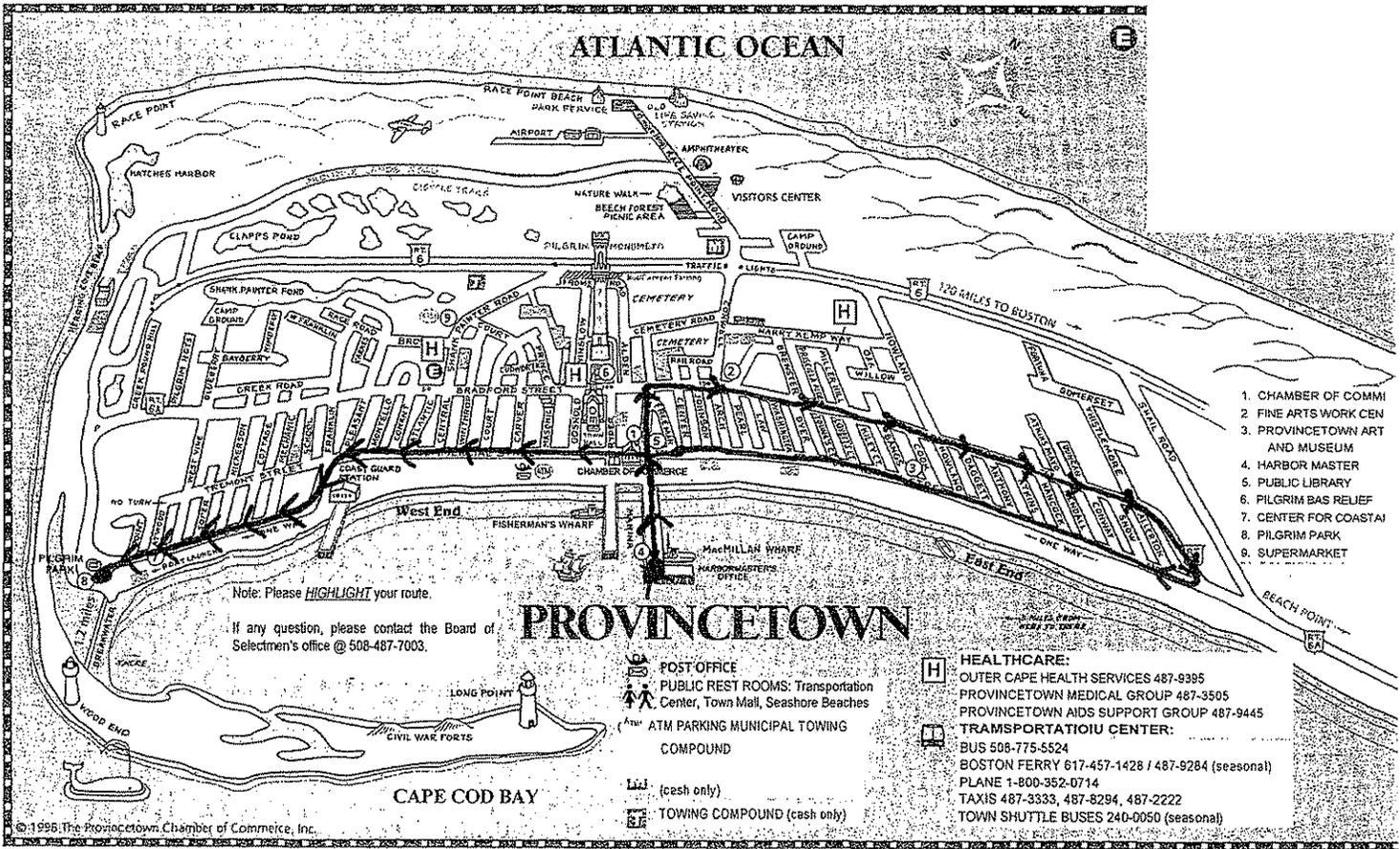
\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

Date: \_\_\_\_\_

Please highlight your Parade Route on the Map



1. CHAMBER OF COMMI
2. FINE ARTS WORK CEN
3. PROVINCETOWN ART AND MUSEUM
4. HARBOR MASTER
5. PUBLIC LIBRARY
6. PILGRIM BAS RELIEF
7. CENTER FOR COASTA
8. PILGRIM PARK
9. SUPERMARKET

Note: Please **HIGHLIGHT** your route.  
 If any question, please contact the Board of Selectmen's office @ 508-487-7003.

# PROVINCETOWN

- POST OFFICE
- PUBLIC REST ROOMS: Transportation Center, Town Mall, Seashore Beaches
- ATM
- PARKING MUNICIPAL TOWING COMPOUND
- (cash only)
- TOWING COMPOUND (cash only)

- HEALTHCARE:**  
 OUTER CAPE HEALTH SERVICES 487-9395  
 PROVINCETOWN MEDICAL GROUP 487-3505  
 PROVINCETOWN AIDS SUPPORT GROUP 487-9445
- TRANSPORTATION CENTER:**  
 BUS 508-775-5524  
 BOSTON FERRY 617-457-1428 / 487-9284 (seasonal)  
 PLANE 1-800-352-0714  
 TAXIS 487-3333, 487-8294, 487-2222  
 TOWN SHUTTLE BUSES 240-0050 (seasonal)

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Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday July 13, 2015

OOC

# PARADE PERMIT REQUEST

American Lung Association

Requested by: Paul Curley, American Lung Assn.

Action Sought: Approval

## Proposed Motion(s)

**MOVE that the Board of Selectmen vote to approve the Parade Permit Application submitted by Paul Curley, 96 Partridge Circle, Taunton, MA 02780, on behalf of the American Lung Association for the 31<sup>st</sup> Annual Autumn Escape Bike Trek to be held on Sunday, September 27, 2015, starting at 10:00am to 3:00pm.**

## Additional Information

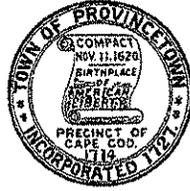
See attached application and route information.

## Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

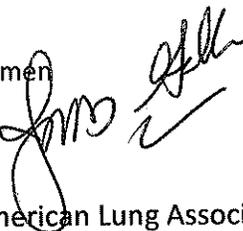
# Town of Provincetown

James F. Golden  
Chief of Police  
jgolden@provincetown-ma.gov



# Police Department

26 Shank Painter Road  
Provincetown, MA 02657  
Phone: (508) 487-1213  
Fax: (508) 487-4077  
www.provincetown-ma.gov

To: Provincetown Board of Selectmen  
From: Chief of Police James Golden   
Subject: Staff Report 31<sup>st</sup> Annual American Lung Association Autumn Fundraiser  
Date: July 6, 2015

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Please know that I have reviewed the parade application for the 31<sup>st</sup> annual American Lung Association Autumn Fundraiser on Sunday September 27, 2015. They estimate about 300 riders not including vendors, well-wishers, and 20 support vehicles with event staff.

The event is scheduled from 10:00am to 3:00pm and will navigate a route ending at the Veteran's Memorial Community Center at 2 Mayflower Lane. The current route follows the direction of traffic as illustrated below.

- Enter Provincetown on US Route # 6 East from Truro Town Line
- Left Turn onto Shankpainter Road
- Immediate Left turn onto Jerome Smith Road
- Follow Jerome Smith Road to Winslow Street
- Turn right on Winslow Street
- Follow Winslow Street ending at Veteran's Memorial Community Center

They will need to be escorted for this route and have agreed to hire 3 detail Police Officers for a 4-hour timeframe as this cannot be supported by shift staffing.

Three (3) police officers will be needed to execute the road closure on Winslow Street.

- One at Winslow Street and Jerome Smith Road
- One at Winslow Street and High Pole Hill.
- The additional police officer will be needed to cover the finish line, facilitate access to Jerome Smith Lot and relieve the other two for breaks and hydration.

Labor estimate for three (3) police officers from approximately 10:00am to 2:00pm would cost them approximately \$594.00.

If, on the date of the event, in opinion of the Police Supervisor in-charge more police officers are needed to address public safety concerns in greater numbers than those present, additional officers will be detailed at the expense of petitioner with no advance notice required.

Could you please remind them to contact Lisa Cook at the Police Department about 2-3 weeks before the event to make arrangements for the officers?

This event is recommended for inclusion to the consent agenda.

Please let me know what questions you may have.

**Town of Provincetown**  
**Parade Permit Application**

**RECEIVED**  
BOS - ~~6/29/15~~  
**JUN 29 2015**  
CC: BOS/TM/ATM

**Note:** This form must be submitted to the Board of Selectmen's office at least six weeks prior to the date of your event

Applicant's Name: American Lung Association  
Address: 20 W. Exchange Street, Ste. 102B Phone: 508.942.4621  
City/Town: Providence State: Rhode Island Zip Code: 02903  
Email: biketrek@lungne.org

Applicant is: [ ] Private Individual [ ] Business [X] Non-Profit Corp

Individual Responsible: Name: Paul Curley  
Address: 96 Partridge Circle, Taunton, MA 02780  
Phone: 508.824.1773  
Email: Curleypwts@aol.com

Will charges or fees be collected? [ ] Yes [X] No

Name & Purpose of Parade: 31<sup>st</sup> Annual Autumn Escape Bike Trek  
Date of Parade: Sunday, September 27, 2015 Rain Date (if any): Same  
Schedule: Start Time: 10:00 AM Finish Time: 3:00 PM  
Number of Riders: Approx. 300 Number of Vehicles: 20

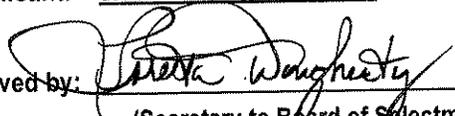
Events with amplified sound, entertainment, alcohol or food service MUST obtain Licensing Department approvals. Noise bylaw waiver applications required minimum 60 days prior to your scheduled event.

(Please indicate actual or estimated.)

**Note:** Use the attached map, highlight and provide a written plan of parade route including assembly and disassembly locations, special parade features or events as well as stopping locations if any are requested.

The undersigned applicant agrees that the applicant and parade participants will conform with applicable laws, by-laws, and regulations as well as with special requirements that may be made a condition of the granting of a parade permit pursuant to this application. I/we agree to hold the Town of Provincetown harmless from any and all liability and will defend the Town of Provincetown in connection therewith

Signature of Applicant: electronic signature pec Date: 6/29/15

Application received by:   
(Secretary to Board of Selectmen)

Date: 6/29/2015

**CONDITIONS and REQUIREMENTS**

It is the obligation of applicants, organization(s) and responsible individuals to assure that their parade(s) is (are) orderly. Unless specifically authorized, there will be no parades held during the hours of darkness and no stopping of the parade to advertise or perform.

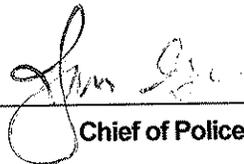
All parades will be assigned and will follow a police cruiser on the approved route. If the Chief of Police deems it necessary to assign additional officers as part of the parade permit, then the cost of such special duty officers will be borne by the applicant.

Any violation of applicable laws, by-laws, regulations, the above requirements, and/or special requirements made a condition of the granting of a Parade Permit will be grounds for immediate revocation of the Parade Permit, prosecution, and denial of future parade permissions.

**PARADE ROUTE. SPECIAL CONDITIONS. REQUIREMENTS. ETC.** (Please PRINT or TYPE and allow margin space)

Enter Provincetown on US Route #6 East from Truro Town Line  
Left Turn onto Shank Painter Road  
Immediate Left Turn onto Jerome Smith Road  
Follow Jerome Smith Road to Winslow Street  
Turn Right on Winslow Street  
Follow Winslow Street Ending at Veteran's Memorial Community Center

**APPROVALS**

  
\_\_\_\_\_  
Chief of Police

Date 07-06-2018

**Board of Selectmen**

\_\_\_\_\_  
Chairman, Board of Selectmen

\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

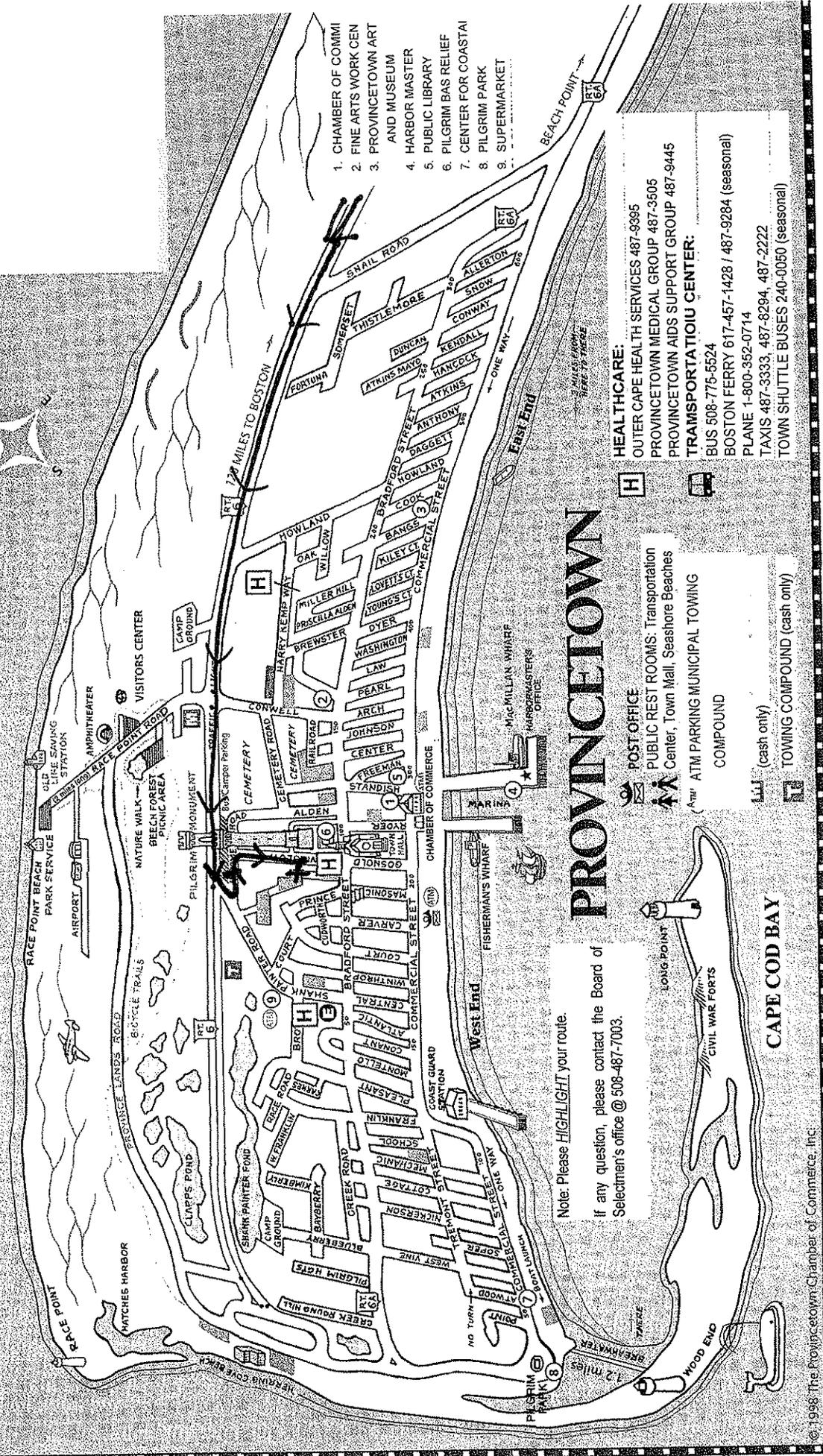
\_\_\_\_\_  
Selectman

\_\_\_\_\_  
Selectman

Date: \_\_\_\_\_

Please highlight your Parade Route on the Map

# ATLANTIC OCEAN



1. CHAMBER OF COMMI
2. FINE ARTS WORK CEN
3. PROVINCETOWN ART AND MUSEUM
4. HARBOR MASTER
5. PUBLIC LIBRARY
6. PILGRIM BAS RELIEF
7. CENTER FOR COASTAL
8. PILGRIM PARK
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 PROVINCETOWN MEDICAL GROUP 487-3505  
 PROVINCETOWN AIDS SUPPORT GROUP 487-9445  
**TRANSPORTATION CENTER:**  
 BUS 508-775-5524  
 BOSTON FERRY 617-457-1428 / 487-9284 (seasonal)  
 PLANE 1-800-352-0714  
 TAXIS 487-3333, 487-8294, 487-2222  
 TOWN SHUTTLE BUSES 240-0050 (seasonal)

# PROVINCETOWN

**POST OFFICE**  
 PUBLIC REST ROOMS: Transportation Center, Town Mall, Seashore Beaches  
**ATM**  
 ATM PARKING MUNICIPAL TOWING COMPOUND (cash only)  
 TOWING COMPOUND (cash only)

Note: Please **HIGHLIGHT** your route.  
 If any question, please contact the Board of Selectmen's office @ 508-487-7003.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

00D

## BOARD OF SELECTMEN REAPPOINTMENT

### Board of Selectmen End of Fiscal Year 2015 Reappointment

Requested by: Doug Johnstone, Town Clerk

Action Sought: **Approval**

#### Proposed Motion(s)

**Move that the Board of Selectmen vote to reappoint Susan Cook as a regular member to the Community Housing Council to an additional three-year term to expire on June 30, 2018.**

#### Additional Information

**She has agreed to serve another term.**

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



*Certificate of Appointment*  
**Town of Provincetown**  
PROVINCETOWN, MASSACHUSETTS 02657

To: Susan Cook  
9 Conant Street  
Provincetown, MA 02657

Date: July 13, 2015  
Phone: 508.487.9117  
Email: cookgolfchamp@aol.com

In accordance with the Charter of the Town of Provincetown by the voters on April 17, 1990,  
You are hereby appointed a member of Community Housing Council (Regular)  
For and within the Town of Provincetown for a term expiring June 30, 2018 or until your  
successor is chosen and qualified.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board of Selectman

Banstable, ss.

Date: \_\_\_\_\_

Personally appeared the above-named Susan Cook appointee to the office of  
Community Housing Council (Regular) and took the oath necessary to qualify  
him/her for said office.

\_\_\_\_\_  
TOWN CLERK

I hereby accept this appointment.

\_\_\_\_\_  
Signature of Appointee

I acknowledge that the Town Clerk has provided me with a copy of the Massachusetts General Law 268A§ 23  
Supplemental Provisions; Standard of Conduct.

\_\_\_\_\_  
Signature of Appointee

**TO THE APPOINTEE:** RETAIN ONE COPY AS PROOF OF APPOINTMENT AND PRESENT ORIGINAL TO THE TOWN CLERK FOR  
PROCESSING. IF NOT ACCEPTED WITHIN 30 CALENDER DAYS THIS POSITION WILL BE CONSIDERED VACANT.



## ***Board of Selectmen End of Fiscal Year 15 Reappointment***

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**Current board member with appointment ending June 30, 2015, who is eligible and wishes to be reappointed:**

<b>Town Board</b>	<b>Name</b>	<b>Position</b>
Community Housing Council	Susan Cook	Regular



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

OOE

## Airport Commission

### Replace Floodlighting

Requested by: Airport Commission & Airport Mgr, 7/2015 Action: Execute Contract Amendment

#### Proposed Motion(s)

**MOVE that the Board of Selectmen vote to execute a contract amendment in the amount of \$28,394.00 with Jacobs Engineering Group, 343 Congress Street, Boston, MA. 02210 for the consultant engineering work required for Replacing Floodlighting for the Provincetown Municipal Airport.**

#### Additional Information

This proposed contract amendment would extend the funding of the engineering services to replace seven existing flood light poles and add 4 more floodlight poles in the aircraft tie down parking area. Bringing the total flood lighting poles to 11 on the airfield and vehicle parking areas.

#### Funding Breakdown:

FAA Grant 90% (\$25,554.60) MassDOT Aeronautics 5% (\$1,419.70)

Town of Provincetown (Airport Budget) 5% (\$1,419.70)

This contract amendment has been approved as to form by Town Counsel.

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

**First Amendment to the 2014  
Agreement for Professional Engineering Services between the Town of Provincetown  
(Airport Commission) and Jacobs Engineering Group Inc. to *Replace Floodlights*  
(hereinafter the "Agreement").**

This First Amendment, effective May 18, 2015, serves to amend the Agreement as follows:

- Article E and Article F are replaced (in their entirety) with the attached Article E and Article F. This amendment serves to increase the contract amount by \$28,394.

In all other respects the Agreement remains in full force and effect.

**Town of Provincetown  
Airport Commission**

By: 

Name: ARTHUR LISENSKI

Title: AIRPORT MANAGER

**Jacobs Engineering Group Inc.**

By: 

Name: David M. Chamberlain

Title: Operations Manager

**SIGNATURE PAGE**

**BETWEEN: PROVINCETOWN AIRPORT COMMISSION / TOWN OF PROVINCETOWN**

**AND JACOBS**

**REF: FLOOD LIGHTING REPLACEMENT CONTRACT - AMENDMENT 01**

**DATED:**

**PROJECT # 3-25-0043-037-2014**

**CONTRACT #**

**BOARD OF SELECTMEN APPROVAL:**

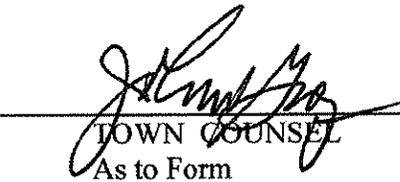
\_\_\_\_\_  
Thomas Donegan, Chairman

\_\_\_\_\_  
Erik Yingling, Vice Chairman

\_\_\_\_\_  
Cheryl Andrews

\_\_\_\_\_  
Raphael Richter

\_\_\_\_\_  
Robert Anthony

  
\_\_\_\_\_  
TOWN COUNSEL  
As to Form

Provincetown Municipal Airport

Replace Floodlights

Article E: Construction Administration

	WORK ITEM	Principle in Charge	Project Manager	Project Engineer	CADD	WORD PROC	TOTAL
1	Pre-Construction Meeting		8				8
2	Review shop drawings			8			8
3	Attend Site Visits and Project Meetings Assume (6)		48				48
4	Prepare Field Sketches			4			4
5	Review/Approval of Contractors Monthly Pay Reqs		2				2
6	Attend Final Inspection		8				8
	<b>TOTAL HOURS</b>	0	66	12	0	0	78
	<b>RATE</b>	\$ 93	\$ 60	\$ 45	\$ 35	\$ 35	-----
	<b>PAYROLL ESTIMATE</b>	\$ -	\$ 3,960	\$ 540	\$ -	\$ -	\$ 4,500

**Task Expenses:**

	Mileage (250 miles round trip X \$0.565/mi)x1; meals	
1	\$25	\$ 166
	Mileage (250 miles round trip X \$0.565/mi)x4; meals	
3	\$100	\$ 998
	Mileage (250 miles round trip X \$0.565/mi)x1; meals	
6	\$25	\$ 166
	<b>Total Expenses</b>	<b>\$ 1,330</b>

**TOTAL PAYROLL \$ 4,500**

Overhead 115.01% **\$ 5,175**

Subtotal **\$ 9,675**

Profit 12% **\$ 1,161**

Payroll Fee **\$ 10,836**

Subconsultants **\$ -**

Expenses **\$ 1,330**

Cost Plus Fixed Fee Total **\$ 12,166**

**TOTAL FEE \$ 12,166**





**KOPELMAN AND PAIGE, P.C.**  
*The Leader in Public Sector Law*

101 Arch Street  
Boston, MA 02110  
T: 617.556.0007  
F: 617.654.1735  
www.k-plaw.com

June 4, 2015

**John W. Giorgio**  
jgiorgio@k-plaw.com

**BY FEDERAL EXPRESS**

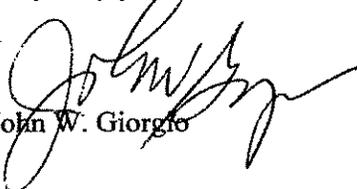
Mr. Arthur "Butch" Lisenby  
Provincetown Airport Manager  
Provincetown Municipal Airport  
Race Point Road  
Provincetown, MA 02657

Re: Jacobs Engineering Group Contract Amendment 01 for Replacing Floodlighting

Dear Mr. Lisenby:

Enclosed please find six (6) originals of the above-referenced contract which I have signed and approved as to form.

Very truly yours,



John W. Giorgio

JWG/bp

Enc.

cc: Interim Town Manager  
523545/PROVAIR/0001



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

00F

## YEAR END BUDGET TRANSFERS

Requested by: Finance Director Dan Hoort

Action Sought: Approval

### Proposed Motion(s)

**MOVE** that the Board of Selectmen vote to approve the year-end budget transfers as listed below and recommended by the Finance Director.

### Additional Information

See attached memo and spreadsheet.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



## Finance Director

# Memo

**To:** Provincetown Board of Selectmen  
Provincetown Finance Committee

**From:** Dan Hoort, Finance Director  
David Gardner, Acting Town Manager

**Date:** July 9, 2015

**Re:** Year-end Transfers

Massachusetts general law, chapter 44, section 33b, part b allows budget transfers by the Board of Selectmen and the Finance Committee in the last two months of any fiscal year, or during the first 15 days to apply to the previous fiscal year. The amount transferred from 1 department to another department may not exceed 3% of the annual budget for the department or \$5,000, whichever is greater. The transfers described below need to be approved by the Board of Selectmen and the Finance Committee no later than July 15<sup>th</sup>.

### **Motion:**

**I move to approve the year-end budget transfers as listed below and recommended by the Finance Director.**

#### Transfer from:

\$5,000 from Department 156 General Administrative 'B' budget  
\$1,500 from Department 135 Town Accountant 'B' budget  
\$56,000 from Department 710 Debt Service 'B' budget  
\$50,000 from Department 910 Benefits and Insurance  
\$5,000 from Department 220 Fire & Rescue  
\$5,000 from Department 423 Snow & Ice 'B' budget  
\$3,500 from Department 512 Public Health 'B' budget

#### Transfer to:

\$32,000 to Department 122 Board of Selectmen 'B' budget  
\$3,600 to Department 169 Licensing 'B' budget  
\$500 to Department 135 Town Accountant 'A' budget  
\$700 to Department 136 MIS 'A' budget  
\$6,500 to Department 210 Police 'B' budget  
\$9,800 to Department 240 Inspections 'A' budget  
\$500 to Department 240 Inspections 'B' budget  
\$2,400 to Department 241 Community Development 'B' budget  
\$20,200 to Department 299 Parking 'B' budget  
\$38,000 to Department 423 Snow and Ice 'A' budget  
\$6,800 to Department 431 Solid Waste 'B' budget  
\$500 to Department 610 Library 'B' budget  
\$4,500 to Department 630 Recreation 'A' budget

**Details:**

\$32,000 to Department 123 Board of Selectmen 'B' budget

The transfer covers the cost of the Traffic and Parking study.

\$3,600 to Department 169 Licensing 'B' budget

\$3,600 was expended for temporary data entry help to input permits, etc., so we could go live with the ACELA software in July 2015.

\$500 to Department 135 Town Accountant 'A' budget

An employee retired in the department and was due payment for unused vacation and sick-time.

\$700 to Department 136 MIS 'A' budget

The Department inadvertently omitted a \$700 longevity payment from their FY 2015 budget.

\$6,500 to Department 210 Police 'B' budget

The Department implemented the Community Policing initiative and expended \$10,481 against a budget of \$4,000.

\$9,800 to Department 240 Inspections 'A' budget

We hired an interim Building Commissioner until a permanent Commissioner was hired. The interim Commissioner was paid at a higher hourly rate than that of a permanent employee. In addition the new Building Commissioner was hired in FY 2015 at a higher rate than budgeted for the previous employee.

\$500 to Department 240 Inspections 'B' budget

The new Building Commissioner ordered updated manuals for the Department which exceeded the amount budgeted.

\$2,400 to Department 241 Community Development 'B' budget

The Department exceeded their 'B' budget in office supplies, printed forms, office equipment, travel, dues & memberships, subscriptions and meals (DART).

\$20,200 to Department 299 Parking 'B' budget

We are finding a significantly larger number of visitors are paying for their parking fees with a credit card. The credit card fees are \$7,300 over budget. We spent \$10,575 on transponder stickers in FY 2015. The stickers were important as they make our internal controls much stronger. The stickers may be reused from one year to the next so we shouldn't have as large a future expenditure.

\$38,000 to Department 423 Snow and Ice 'A' budget

Most of the deficit from the hard winter was covered by an April 2015 special town meeting article. This transfer covers the remaining deficit in the snow and ice budget.

\$6,800 to Department 431 Solid Waste 'B' budget

The hauling contracted services were over budget by \$16,722. This hauling is for hauling recycling materials and was higher due to increased recycling.

\$500 to Department 610 Library 'B' budget

We are asking for this transfer to be safe. We believe all invoices have been received and are paid, but just in case a late book invoice is received we want to have it covered.

\$4,500 to Department 630 Recreation 'A' budget

There are mandated minimum staffing requirements for recreation programs. Due to our thriving recreation programs additional seasonal staffers were needed. This additional cost is offset by our recreation fee revenues, budgeted at \$35,000, \$55,860 was received in recreation fees in FY 2015.

#	Description	Original Appropriation	STM Transfer	05/22 Year-	Year-end	Encumber	Budget	Actual YTD	Under
				end Budget Transfes	Budget Transfes				(Over) Budget
<b>General Government</b>									
113	Elections	\$14,036	0	-2,000		0	\$12,036	\$11,006	\$1,030
122	Board of Selectmen A	\$52,940	0	-5,000		0	\$47,940	\$44,924	\$3,016
122	Board of Selectmen B	\$10,500	45,000		<b>32,000</b>	-62,541	\$24,959	\$23,790	\$1,169
122	Board of Selectmen E	\$348	0			0	\$348	\$348	\$0
123	Town Manager A	\$261,881	-35,000	-6,500		0	\$220,381	\$220,339	\$42
123	Town Manager B	\$16,195	0	-700		0	\$15,495	\$10,398	\$5,097
123	Town Manager E	\$22,125	0			0	\$22,125	\$15,808	\$6,317
151	Legal	\$251,000	0			-18,000	\$233,000	\$228,670	\$4,330
156	Gen'l Administrative B	\$59,590	0		<b>-5,000</b>	0	\$54,590	\$48,177	\$6,413
156	Gen'l Administrative E	\$2,043	0			0	\$2,043	\$2,043	\$0
157	Land Bank B	\$59,800	0			0	\$59,800	\$59,800	\$0
157	Land Bank D	\$71,525	0			0	\$71,525	\$68,425	\$0
161	Town Clerk A	\$108,262	0			0	\$108,262	\$108,126	\$136
161	Town Clerk B	\$4,445	0			0	\$4,445	\$3,870	\$575
161	Town Clerk E	\$0	0			0	\$0	\$0	\$0
169	Licensing A	\$43,348	0			0	\$43,348	\$43,348	\$0
169	Licensing B	\$300	0		<b>3,600</b>	0	\$3,900	\$3,893	\$7
171	Cons Comm A	\$6,000	0			0	\$6,000	\$5,895	\$105
171	Cons Comm B	\$2,190	0			0	\$2,190	\$1,729	\$462
175	Planning Board B	\$1,940	0			0	\$1,940	\$1,034	\$906
176	Zoning Board B	\$2,700	0			0	\$2,700	\$2,115	\$585
179	Historical Distr Comm	\$500	0			0	\$500	\$500	\$0
180	Historic Distr Comm B	\$2,250	0			0	\$2,250	\$0	\$2,250
181	Building Committee B	\$0	0			0	\$0	\$0	\$0
482	Airport	\$98,450	0			0	\$98,450	\$97,680	\$770
<b>Total General Gov't</b>		<b>\$1,092,367</b>	<b>\$10,000</b>	<b>-\$14,200</b>	<b>\$30,600</b>	<b>-\$80,541</b>	<b>\$1,038,226</b>	<b>\$1,001,916</b>	<b>\$33,210</b>
<b>Finance Dept</b>									
131	Finance Committee B	\$106,268	-45,000	-56,943		0	\$4,325	\$718	\$3,607
131	Finance Committee E	\$125	0			0	\$125	\$125	\$0
135	Town Accountant A	\$188,038	0	-3,500	<b>500</b>	0	\$185,038	\$184,991	\$47
135	Town Accountant B	\$49,375	0		<b>-1,500</b>	0	\$47,875	\$47,875	\$0
135	Town Accountant E	\$0	0			0	\$0	\$0	\$0
136	MIS Dept A	\$176,603	0		<b>700</b>	0	\$177,303	\$177,303	\$0
136	MIS Dept B	\$308,500	41,000				\$349,500	\$337,169	\$12,331
141	Assessor A	\$180,492	0			0	\$180,492	\$180,083	\$409
141	Assessor B	\$52,260	0	-6,800		0	\$45,460	\$30,047	\$15,413
141	Assessor E	\$13,400	0			0	\$13,400	\$12,520	\$880
145	Treasurer/Collector A	\$163,539	0			0	\$163,539	\$158,307	\$5,232
145	Treasurer/Collector B	\$37,120	0	-6,000		0	\$31,120	\$21,656	\$9,464
710	Debt Service B	\$2,256,114	-150,000	-6,854	<b>-56,000</b>	0	\$2,043,260	\$1,974,271	\$68,989
820	Tax Title B	\$20,000	0	-4,000		0	\$16,000	\$7,086	\$8,914
820	Tax Title E	\$70	0			0	\$70	\$70	\$0
910	Benefits/Insurance	\$6,035,521	-80,000	-127,500	<b>-50,000</b>	-3,000	\$5,775,021	\$5,441,018	\$334,003
<b>Total General Gov't</b>		<b>\$9,587,425</b>	<b>-\$234,000</b>	<b>-\$211,597</b>	<b>-\$106,300</b>	<b>-\$3,000</b>	<b>\$9,032,528</b>	<b>\$8,573,239</b>	<b>\$459,289</b>

#	Description	Original Appropriation	STM Transfer	05/22 Year- end Budget Transfes	Year-end Budget Transfes	Encumber	Budget	Actual YTD	Under (Over) Budget
<b>Public Safety</b>									
210	Police A	\$2,147,775	0	262,796.92		-262,796.92	\$2,147,775	\$2,132,521	\$15,254
210	Police B	\$153,600	0		6,500	0	\$160,100	\$159,915	\$185
211	Police Station E	\$300	0			0	\$300	\$300	\$0
220	Fire A	\$446,363	0			0	\$446,363	\$420,361	\$26,002
220	Fire B	\$206,190	0		-5,000	0	\$201,190	\$169,067	\$32,123
220	Fire E	\$0	0			0	\$0	\$0	\$0
231	Ambulance B	\$791,022	0			0	\$791,022	\$791,022	\$0
240	Inspections A	\$173,015	0		9,800	0	\$182,815	\$182,748	\$67
240	Inspections B	5,960	0		500	0	\$6,460	\$6,440	\$20
241	Comm Devel A	\$169,008	0	-3,000		0	\$166,008	\$162,082	\$3,926
241	Comm Devel B	\$22,195	0		2,400	0	\$24,595	\$24,563	\$32
241	Comm Devel E	\$2,880	0			0	\$2,880	\$2,880	\$0
291	Emergency Mgt B	\$9,910	0			0	\$9,910	\$8,580	\$1,330
294	Harbor Committee B	\$700	0			0	\$700	\$63	\$637
295	Pier Management B	\$118,263	0			0	\$118,263	\$118,263	\$0
296	Shellfish A	\$49,978	0	-5,000		0	\$44,978	\$37,308	\$7,670
296	Shellfish B	\$6,600	0			0	\$6,600	\$5,079	\$1,521
299	Parking A	\$351,025	0			0	\$351,025	\$337,574	\$13,451
299	Parking B	\$87,300	0		20,200	0	\$107,500	\$107,440	\$60
	Parking E	\$0	0			0	\$0	\$0	\$0
<b>Total Public Safety</b>		<b>\$4,742,084</b>	<b>\$0</b>	<b>\$254,797</b>	<b>\$34,400</b>	<b>-\$262,797</b>	<b>\$4,768,484</b>	<b>\$4,666,205</b>	<b>\$102,279</b>
<b>Public Works</b>									
192	Bldgs & Grounds A	\$690,395	0			0	\$690,395	\$634,983	\$55,412
	Bldgs & Grounds B & E:						\$0		
191	Bldgs & Grounds B	\$62,758	0			0	\$62,758	\$67,221	-\$4,463
192	B&G-Town Hall B	\$107,450	0			0	\$107,450	\$86,549	\$20,901
192	B&G-Town Hall E	\$2,624	0			0	\$2,624	\$2,624	\$0
193	B&G-Grace Gouveia E	\$119,800	0			0	\$119,800	\$72,895	\$46,905
194	B&G-Library B	\$75,500	0			0	\$75,500	\$74,764	\$736
194	B&G-Library E	\$730	0			0	\$730	\$0	\$730
195	B&G-Cemetery B	\$2,950	0			0	\$2,950	\$4,698	-\$1,748
196	B&G-Comfort Station I	\$65,796	0			0	\$65,796	\$60,727	\$5,069
197	B&G-Police Station	\$62,075	0			0	\$62,075	\$63,111	-\$1,036
198	B&G-Freeman St Bldg	\$27,100	0			0	\$27,100	\$19,238	\$7,862
198	B&G-Freeman St Bldg	\$0	0			0	\$0	\$0	\$0
199	B&G-Other B	\$155,285	0			0	\$155,285	\$155,886	-\$601
199	B&G-Other E	\$19,163	0			0	\$19,163	\$19,181	-\$18
		<b>\$701,231</b>	<b>\$0</b>			<b>\$0</b>	<b>\$701,231</b>	<b>\$626,893</b>	<b>\$74,338</b>
421	DPW Admin A	\$122,323	0			0	\$122,323	\$122,204	\$119
421	DPW Admin B	\$207,750	0			0	\$207,750	\$201,186	\$6,564
422	Highways A	\$452,429	0			0	\$452,429	\$436,387	\$16,042
422	Highways B	\$119,800	0			0	\$119,800	\$109,264	\$10,536
423	Snow & Ice A	\$27,000	0		38,000	0	\$65,000	\$64,477	\$523
423	Snow & Ice B	\$140,700	80,000		-5,000	0	\$215,700	\$200,606	\$15,094
431	Solid Waste A	\$436,375	0			0	\$436,375	\$428,078	\$8,297
431	Solid Waste B	\$130,950	0		6,800	0	\$137,750	\$137,714	\$36
431	Solid Waste E	\$783	0			0	\$783	\$783	\$0
432	Recycling Committee I	\$2,750	0			-540	\$2,210	\$2,208	\$2
439	Waste Disposal B	\$206,000	0	-6,000		0	\$200,000	\$123,388	\$76,612
439	Waste Disposal E	\$23,238	0			0	\$23,238	\$23,238	\$0
<b>Total Public Works</b>		<b>\$3,261,724</b>	<b>\$80,000</b>	<b>-\$6,000</b>	<b>\$39,800</b>	<b>-\$540</b>	<b>\$3,374,984</b>	<b>\$3,111,409</b>	<b>\$263,575</b>

#	Description	Original Appropriation	05/22 Year- end Budget		Year-end Budget		Encumber	Budget	Actual YTD	Under (Over) Budget
			STM Transfer	Transfes	Transfes	Transfes				
<b>Public Services</b>										
511	Health Dept A	\$99,134	0	-5,000			0	\$94,134	\$77,660	\$16,474
511	Health Dept B	\$7,450	0				0	\$7,450	\$5,621	\$1,829
512	Public Health A	\$20,079	0				0	\$20,079	\$19,141	\$938
512	Public Health B	\$26,100	0		-3,500		0	\$22,600	\$19,104	\$3,496
513	Board of Health B	\$1,610	0				0	\$1,610	\$1,250	\$360
541	Council on Aging A	\$202,036	0				0	\$202,036	\$190,047	\$11,989
541	Council on Aging B	\$26,250	0	-5,000			0	\$21,250	\$12,665	\$8,585
543	Veteran's Services B	\$42,825	-6,000	-5,000			0	\$31,825	\$13,486	\$18,339
545	Disability Comm B	\$5,000	0				0	\$5,000	\$0	\$5,000
550	Animal Welfare Cte B	\$1,540	0				0	\$1,540	\$0	\$1,540
560	Bicycle Cte B	\$7,863	0				0	\$7,863	\$4,398	\$3,465
560	Bicycle Cte E	\$300	0				0	\$300	\$300	\$0
610	Library A	\$227,760	0	-8,000				\$219,760	\$182,895	\$36,865
610	Library B	\$81,209	0		500			\$81,709	\$81,155	\$554
610	Library E	\$808	0				0	\$808	\$808	\$0
630	Recreation A	\$146,574	0		4,500		0	\$151,074	\$150,820	\$254
630	Recreation B	\$21,450	0				0	\$21,450	\$18,915	\$2,535
672	Art Commission B	\$8,649	0				-3,145	\$5,504	\$5,279	\$225
673	Cultural Council B	\$6,500	0				0	\$6,500	\$1,359	\$5,141
<b>Total Public Services</b>		<b>\$933,137</b>	<b>-\$6,000</b>	<b>-\$23,000</b>	<b>\$1,500</b>	<b>-\$3,145</b>	<b>\$902,492</b>	<b>\$784,904</b>	<b>\$784,904</b>	<b>\$117,587</b>
<b>Public Schools</b>										
300	Public Schools	\$3,590,298	0					\$3,590,298	\$3,447,399	\$142,899
300	Public Schools E	\$0	0				0	\$0	\$0	\$0
310	Cape Cod Reg Tech F	\$100,851						\$100,851	\$100,850	\$1
<b>Total Public Schools</b>		<b>\$3,691,149</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$3,691,149</b>	<b>\$3,548,249</b>	<b>\$142,900</b>
<b>Total</b>										
I	General Government	\$1,092,367	\$10,000	-\$14,200	\$30,600	-\$80,541	\$1,038,226	\$1,001,916	\$1,001,916	\$33,210
II	Finance	\$9,587,425	-\$234,000	-\$211,597	-\$106,300	-\$3,000	\$9,032,528	\$8,573,239	\$8,573,239	\$459,289
III	Public Safety	\$4,742,084	\$0	\$254,797	\$34,400	-\$262,797	\$4,768,484	\$4,666,205	\$4,666,205	\$102,279
IV	Public Works	\$3,261,724	\$80,000	-\$6,000	\$39,800	-\$540	\$3,374,984	\$3,111,409	\$3,111,409	\$263,575
V	Public Services	\$933,137	-\$6,000	-\$23,000	\$1,500	-\$3,145	\$902,492	\$784,904	\$784,904	\$117,587
Subtotal I - V		\$19,616,737	-\$150,000	\$0	\$0	-\$350,023	\$19,116,714	\$18,137,674	\$18,137,674	\$975,940
VI	Public Schools	\$3,691,149	\$0	\$0	\$0	\$0	\$3,691,149	\$3,548,249	\$3,548,249	\$142,900
Total		\$23,307,886	-\$150,000	\$0	\$0	-\$350,023	\$22,807,863	\$21,685,923	\$21,685,923	\$1,118,839
										<b>4.91%</b>



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

1

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## PUBLIC HEARING

Requested by: Board of Selectmen

Action Sought: Public Hearing/Discussion

Proposed Motion(s)

None

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

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Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

2

## PUBLIC STATEMENTS

Requested by: Board of Selectmen

Action Sought: Open

Proposed Motion(s)

Three (3) minutes maximum. Selectmen do not respond during Public Statements.

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

3

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## SELECTMEN'S STATEMENTS

Requested by: Acting Town Manager David Gardner

Action Sought: Discussion

Proposed Motion(s)

**Motions may be made and votes may be taken.**

**Raphael Richter**

**Erik Yingling**

**Cheryl Andrews**

**Robert Anthony**

**Tom Donegan**

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

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Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

4A

## JOINT MEETING – HOUSING COUNCIL

Housing Action Plan Update

and Draft Special Act Language re: Year-round Rental Housing Trust

Requested by: Board of Selectmen

Action Sought: Discussion

### Proposed Motion(s)

**Discussion dependent – votes may be taken.**

### Additional Information

See attached documents.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

# Provincetown Community Housing Action Plan

Implementation – as of 7/8/14

7 Categories with 29 Action Items

Action item	Responsible & Associated Parties	Steps Taken	Pending Action
<b>EDUCATION</b>			
<p><b>Action 1.1. Task the Provincetown Community Housing Council (CHC) to develop a broad housing education plan to identify key audiences, including second-homeowners, engage key opinion leaders, develop the networks to communicate information, craft effective messages to communicate the importance of this issue, and develop methods for providing information to key audiences on a regular and as needed basis.</b></p>	CHC	<p><i>PPRTPA: 3/13/14 Received email from Steve Fossella re: setting up meeting with members in Fall 3/31/14 received email from David Lupone about scheduling sooner, perhaps May. Housing NOW flyer drafted for ATM Ongoing website updates 7/12/14 CH Specialist &amp; member BOS attended PPRTPA meeting for housing discussion. Created webpage for 350 Bradford St project</i></p>	<p>Update Town website Draft Banner article(s) Provide periodic updates Ongoing</p>
<p><b>Action 1.2. Task the CHC with educating the community by identifying and publicizing a resource/point of contact for anyone experiencing discrimination based on race, color, sex, sexual orientation, national origin, religion, disability, marital status, ancestry, veteran status, children, age, family makeup, or those who are protected by the Fair Housing Law.</b></p>	CHC	<p><i>Sgt. Carrie Lopes attended CHC meeting on 3/24/14. Contacts include PPD, Mass Housing, MCAD</i></p>	<p>Contact Carrie Lopes re: No Place for Hate Committee as resource</p>
<b>AFFORDABLE AND COMMUNITY HOUSING DEVELOPMENT &amp; REDEVELOPMENT</b>			
<p><b>Action 2.1. Task the Provincetown Housing Authority (PHA) with accelerating its efforts to expand Maushope Senior Housing.</b></p>	PHA	<p><i>A Massachusetts Community Development Block Grant was submitted for \$800,000 on 2/14/14 for a sewer connection and for planning funds to allow for expansion.</i></p>	<p><i>Housing Authority may apply for other funds for the expansion component. The Town is considering applying for USDA funds for the</i></p>

		7/15/14 Housing Specialist contacted State Rep for update; left message. The Town did NOT receive funding for the application.	<i>sewer connection which are not available until next year. Need to determine the source of match. Meeting scheduled for 7/8/15 w/ HA, PT 365, &amp; HS to discuss options</i>
<b>Action 2.2. Task the Provincetown Board of Selectmen (BOS) and the town's state legislative delegation to support Community Housing Resource's effort to accelerate the development of <b>Stable Path</b>, a 23-unit rental project proposed off Race Point Road.</b>	CHC, BOS, legislators	<i>The Community Housing Council also approved \$175,000 in Provincetown Affordable Housing Trust Funds on 7/18/13. The Board of Selectmen approved a strong letter of support on 2/24/14. <b>State Funding award 7/7/14!</b> Contacted MHP re: MassDocs; received package 7/14/14; emailed Town Counsel for review 7/15/14. 9/22/14 BOS approved MassDocs utilization; forwarded to MHP. 10/21/14: HS began participation in state conference calls for closing 5/7/15: Permits issued 5/21/15: CLOSING!</i>	<i>Construction began May 2015. completion late 2016/early 2017.</i>
<b>Action 2.3. Task the CHC with inviting the Cape Cod chapter of <b>Habitat for Humanity</b> to partner with them to identify and create new housing opportunities using Habitat for Humanity in Provincetown.</b>	CHC	<i>Leedara Zola of Habitat attended CHC meeting on 3/12/14 and discussed Habitat's mission. Meeting to further discuss potential future projects to be scheduled post-town meeting. 11/24/14 Assessor attended CHC meeting to discuss various owner's unknown, town owned properties, etc.</i>	<i>HS to invite Habitat to future meetings to discuss options.  Rev. Haywood is on the Committee  What about other properties?</i>
<b>Action 2.4. Task the Board of Selectmen with requesting from the Town's Housing Specialist an updated <b>assessment of the development potential of existing town-owned land and buildings</b> for creation of Affordable and Community Housing.</b>	Housing Specialist	<i>3/12/14 Emailed lists to CHC members for review; emailed Assessor regarding a meeting 7/15/14 emailed Tax Collector for a meeting 7/16/14 received tax title list 11/24/14 Assessor attended CHC meeting to discuss various owner's unknown, town owned properties, etc. Proposals received by the Town. Proposal for <b>Grace Gouveia</b> accepted and proceeding. HS met with CDP on 11/4/14; HS submitted LIP</i>	<i>Efforts underway for Fire Station #2, VMCC, GG, former CC, VFW lot  <b>GG:</b> town emptied building; construction began in May 2015 for 9 new condos, 3 of which will be affordable rentals. Construction completion Nov/Dec 2015</i>

		<p>application to DHCD to add 3 units to SHI on 1/16/15. <b>Closed 2/6/15.</b>  <i>Staff &amp; CHC gathered &amp; reviewed old <b>Community Center</b> info including consultations and meetings with CCC, Habitat, HAC, MHP. Recommendation to request technical assistance from MHP approved by BOS 7/14/14.</i>  <i>Also consider Old Fire Station #2 upstairs... 7/15/14 emailed DPW &amp; Planner re: files. 8/7/14 Town received tech assistance from MHP for former Community Center; 10/1/14 MHP proceeding with engineering firm; 10/23/14 HS met with MHP &amp; engineer for site visit.</i>  <i>MHP submitted feasibility report on 1/12/15; BOS voted 1/26/15 to proceed with RFP development for mixed income: 1/3 up to 60% AMI; 1/3 60-80% AMI; 1/3 80% - 110% for a range of 11-15 units. MHP provided template for RFP.</i></p>	<p><b>CC:</b> RFP distributed 6/30/15 with due date of 9/17/15</p>
<p><b>Action 2.5. Task the CHC with inviting local employers, town officials, and developers to discuss the potential development of <b>seasonal workforce housing</b> that could include utilization of the Grace Gouveia building (if available) or Old Community Center among its options.</b></p>	<p>CHC</p>	<p><i>Proposals received by the Town. Proposal for <b>Grace Gouveia</b> accepted and proceeding for yearround units. HS met with CDP on 11/4/14; HS submitted LIP application to DHCD to add 3 units to SHI on 1/16/15. <b>Closed 2/6/15.</b></i></p>	<p><b>GG:</b> town emptied building; construction began in May 2015 for 9 new condos, 3 of which will be year round affordable rentals. Construction completion Nov/Dec 2015.</p> <p><b>Survey</b> web-based survey underway for business community regarding need &amp; impact.</p>
<p><b>Action 2.6. Task the CHC to invite the Provincetown Chamber of Commerce, the Provincetown Business Guild, the Provincetown Visitors Service Board,</b></p>	<p>CHC</p>	<p>7/16/14 Chamber is available to meet in Sept.</p> <p><b>Survey</b> web-based survey underway for business community regarding need &amp;</p>	

and the business community to discuss a meaningful <b>assessment of the need for seasonal housing.</b>		impact.	
<b>GETTING THE INCENTIVES RIGHT</b>			
<b>Action 3.1. Task the Provincetown Planning Board with amending appropriate articles of the Zoning By-law that affect the permitting of <b>accessory units</b> by changing the 20-year deed restriction to a shorter-term contract with the Town. Accessory units are allowed under zoning by-law section 4800. As part of this action, task the Provincetown Community Preservation Committee (CPC) with proposing the use of CPA funds to contract for outreach and administration of units in program.</b>	Planning Board	Board of Selectmen has an annual goal to present zoning by-law revision to 2015 annual town meeting to reduce to 10 years.	2015 ATM Zoning proposal to allow accessory units in Res1 districts approved
<b>Action 3.2. Task the Board of Selectmen to adopt a policy authorizing eligibility under the current <b>Property Tax Exemption</b> program [Chapter 408 of the Acts of 2002] to allow for eligibility up to 80% AMI [Area Median Income] in a manner that reflects the need across a range of eligible incomes. This increase from the current 60% AMI will allow for greater incentives to allow for greater participation.</b>	BOS	<b>BOS adopted policy following a public hearing on 12/8/14 to allow eligibility up to 80% AMI!</b> Insert for tax bills developed and given to Assessor. Outreach effort underway including tax bill insert and Year-rounder's Day 3/14/15. Significant interest;	
<b>Action 3.3. Task the Planning Board with <b>reviewing the existing special permits, sub-division approvals, and zoning by-laws for language that prevents or discourages</b> the use of any residential property for year-round rental and provide a plan of action to remove those discouragements.</b>	Planning Board	7/16/14 Emailed Town Planner re: meeting to begin discussion 10/3/14 Town Planner- Planning Bd has started looking at but believes overarching changes to zoning by laws should come from Comprehensive Planning process.	Town Planner working on potential inclusionary zoning-by-law and other incentives.
<b>Action 3.4. Task the Planning Board with examining ways to allow <b>accessory dwelling</b> to be separate from OR</b>	Planning Board	7/16/14 Emailed Town Planner re: meeting to begin discussion	New Accessory Unit bylaw approved at spring ATM 2015 to allow accessory units in Res1 districts

attached to a main building, if such dwellings are used expressly for year-round Affordable and Community Housing.			
<b>Action 3.5. Task the Town Planner to identify the mechanism that would allow for forgiveness of sewer betterment and other permitting fees when “Affordable and Community Housing” units are created.</b>	Town Planner	7/16/14 Emailed Town Planner re: meeting to begin discussion 10/3/14 Town Planner – not under purview of Planner; Special Sewer Legislation doesn’t allow forgiveness. Set up special fund to pay?	
<b>Action 3.6. Task the CHC and CPC with working together to create a mechanism to subsidize the cost of rehabilitation done for the purpose of using existing structures to increase Affordable and Community Housing options.</b>	CHC, CPC	Two types of rehab – individual income eligible property owners which has been funded through regional MCDBG funds to correct code violations; requires 15 year deed restriction which is forgiven at end of 15 years. Provincetown has been part of the regional rehab program for years. CPA funds can only be used for housing rehab if the property was acquired or created with CPA funds. CPA funds can be used to acquire, create, or preserve affordable housing up to 100% AMI. CPA applications due Dec 4 <sup>th</sup> for projects.	Requires formal request to CPC and then to town meeting. Typically CPC has approved project specific requests; some towns set aside the CPA funds with housing group for future projects.  CPA application for Fire Station #2 upper levels conversion tabled at April 2015 ATM. Need to revisit. Town participating in MCDBG application to continue housing rehab program
<b>Action 3.7. Task the BOS with updating the Local Comprehensive Plan (LCP).</b>	BOS	Met with BOS 4/14/14. Town received technical assistance under the DART program to kick-start the LCP update. Preliminary scoping session with AIA team on 9/17 & 9/18/14; 3-day session Nov 17, 18, 19, 2014. Report available. DART implementation committee and sub-committees initiated.	Town Planner forming planning committee and seeks rep for housing
<b>SLOWING THE LOSS OF YEAR-ROUND RENTAL STOCK</b>			
<b>Action 4.1. Task the BOS with authorizing legal counsel to prepare a report on legal avenues to reducing the conversion of residential properties to condominiums except where those</b>	BOS, Town Counsel	Met with BOS 4/14/14.  7/14/14 Email to Town Manager to ask Town Counsel for opinion.	

conversions add to the stock of year-round, Affordable and Community Housing.			
Action 4.2. Based on the report from Town Counsel (Action 4.1), task the Planning Board with amending the applicable provisions of the <b>zoning bylaw relating to condominium conversions to reduce the rate of conversion</b> of residential properties to condominiums except where those conversions add to the stock of year-round Affordable and Community Housing.	Planning Board		Following 4.1, meet with PB & Town Planner.
Action 4.3. Task the Planning Board and Zoning Board of Appeals to give <b>priority in decisions for year-round affordable and community housing units</b> when determining community benefit in the granting of Special Permits and Site Plan Approvals.	Planning Board, ZBA		CHC meet with PB; could also include ZBA or Chair of ZBA
Action 4.4. Task the CHC with inviting local realtors and condo-conversion development specialists to engage in discussions over the potential for the <b>condo-conversion process to create Affordable and Community Housing</b> rather than reduce the stock of year-round housing available.	CHC		Schedule a coffee meeting with local realtors and lawyers.
<b>ENGAGING THE SECOND HOME COMMUNITY</b>			
Action 5.1. Task the CHC, the PHA and the Council on Aging (COA), with beginning a <b>dialogue with the Provincetown Part-time Resident Tax Payers Association (PPRTPA)</b> and other second homeowners about the critical housing issues that Provincetown faces and to discuss ways that the second	CHC, PHA, COA	<i>PPRTPA: 3/13/14 Received email from Steve Fossella re: setting up meeting with members in Fall 3/31/14 received email from David Lupone about scheduling sooner, perhaps May. 7/12/14 CH Specialist &amp; member BOS attended PPRTPA meeting for housing discussion.</i>	Continue dialogue with PPRTPA.

<p>home community could engage more meaningfully in helping realize a thriving year-round community that addresses the core interest of both seasonal and year-round residents.</p>		<p>Note that many part-time residents are participating in the DART/Provincetown 365 process.</p>	
<p><b>Action 5.2. Task the CHC, BOS and the leadership of the (PPRTPA) and other second homeowners with exploring the possibility of holding a <b>community gathering</b> with its second home community (similar to that done in Eastham), sometime in the summer of 2014, that includes a community forum intended to kick off a concerted effort to engage the second home community in helping realize the town’s vision for a viable year-round community, especially as it relates to Affordable and Community Housing needs.</b></p>	<p>CHC, BOS, PPRTPA</p>	<p><i>PPRTPA: 3/13/14 Received email from Steve Fossella re: setting up meeting with members in Fall 3/31/14 received email from David Lupone about scheduling sooner, perhaps May.  7/12/14 CH Specialist &amp; member BOS attended PPRTPA meeting for housing discussion.</i></p>	<p>Continue dialogue with PPRTPA.</p>
<p><b>Action 5.3. Task Provincetown’s Housing Specialist with examining appropriate vehicles including the Affordable Housing Trust Fund to deliver <b>tax-deductible benefits for any charitable giving</b> that may arise from partnership with the second home community.</b></p>	<p>Housing Specialist</p>		<p>HS to explore</p>
<p><b>CONNECTING OWNERS AND RENTERS</b></p>			
<p><b>Action 6.1 Task the CHC with inviting CHR, the Cape Cod Landlords Association, the Connecting Owners and Renters Working Group, and PPRTPA to discuss the option of some new or existing <b>entity serving to assist both potential homeowners looking to mitigate the risks of renting</b> and to qualified renters seeking appropriate housing.</b></p>	<p>CHC</p>		<p>Follow-up to initial meetings with PPRTPA</p>
<p><b>Action 6.2 Task the CHC with examining</b></p>		<p><i>4/2/14 emailed DMF; no knowledge</i></p>	<p>2015 ATM approved special</p>

<p><b>the viability of creating a fund-raised indemnity fund.</b></p>	<p>CHC</p>	<p><i>Property owners are able to acquire various levels of private insurance for renters</i></p>	<p>legislation to request establishment of Housing Trust for market rate rentals along with startup funds. Pending.</p>
<p><b>Action 6.3 Task the Connecting Owners and Renters Working Group and the CHC with identifying the issues, process and structure of establishing a home-sharing program.</b></p>	<p>CHC, PHA, COA</p>	<p><i>A Home-sharing group gathered by COAD met on 2/13/14 &amp; 3/20/14. HOW submitted a grant application for pilot program. <b>Grant Awarded. HOW hired staff for implementation and has begun the outreach process. Grant awarded again in 2015.</b></i></p>	<p>Ongoing collaboration.</p>
<p><b>FUNDING THE EFFORT</b></p>			
<p><b>Action 7.1. Task the CHC, CPC, BOS and Provincetown Finance Committee with supporting a Town Meeting warrant article to once again reserve 60% of CPA funds for Affordable and Community Housing uses.</b></p>	<p>CHC, CPC, BOS, FinCom</p>	<p><i>CHC submitted article for 2014 Annual Town Meeting.</i></p> <p><b><i>DONE! Approved by April 2014 town meeting!</i></b></p>	
<p><b>Action 7.2. Task the CHC, BOS and Provincetown Finance Committee with supporting a Town Meeting warrant article to reserve the revenue from any expansion of the rooms tax or the realization of any real estate transfer tax to be dedicated to Affordable and Community Housing purposes.</b></p>	<p>CHC, BOS FinCom</p>	<p>Discussion regarding the definition of rentals; licensing, zoning, planning, health issues</p>	
<p><b>Action 7.3 Task the CHC with soliciting interest in the creation of an organization dedicated to Affordable and Community Housing fundraising</b></p>	<p>CHC</p>	<p>2015 ATM approved special legislation to request establishment of Housing Trust for market rate rentals along with startup funds. Pending.</p>	<p>Needs further discussion involving existing groups; may not need another group. Ongoing discussion.</p>
<p><b>Action 7.4. Task the Provincetown Town Manager with determining the feasibility of providing for a voluntary donation check box on property tax bills.</b></p>	<p>Town Manager</p>	<p><i>TM emailed request on 3/4/14 to Town Counsel opinion re: voluntary check box on tax bills. 3/18/14 Town Counsel: in order to put a voluntary donation "check-off" on the tax bill for affordable housing, it will require a special act of the General Court which could be presented for a vote of Town Meeting. Donations would go into the</i></p>	

		<p><i>existing Affordable Housing Trust Fund. That Trust Fund receives certain funds as required by Chapter 230 of the Acts of 2002, but a new special act could add a new funding source such as a donation on the tax bill.</i></p> <p><i>3/24/14 CHC moved to request article for future town meeting.</i></p> <p><i>4/2/14 ATM submitted request to Town Counsel.</i></p> <p><i>4/7/14 Draft article in hand for next town meeting</i></p> <p><b>APPROVED 10/27/14 STM!</b></p> <p><b>Gov. Deval Patrick signs 1/5/15 Implemented 2015.</b></p>	
<b>OTHER HOUSING ACTIVITIES:</b>			
<b>Housing Specialist to full-time</b>		CPA request for 2015 ATM to increase part-time position to full-time <b>approved</b>	
<b>VMCC</b>		CPA request for \$25,000 for feasibility of expansion at site for community housing tabled at 2015 ATM.	To be revisited.
<b>Property Acquisition</b>		<p><b>Winslow Farms:</b> <i>Acquisition of site which abuts VFW site to provide alternate access and additional square footage for greater flexibility and options for housing development; BOS approved P&amp;S 2/9/15; Spring 2015 town meeting warrant article for acquisition \$1.75 million included \$300,000 from CPA - defeated</i></p>	
<b>Ownership Resales</b>		<p><b>10 Hensche Lane 1 one-bedroom unit sold March 2015</b></p> <p><b>16 Harry Kemp Way: 2 one-bedroom units sold May 2015.</b></p>	<p>AVAILABLE:</p> <p>2 Meadow Rd: 1 two-bedroom median unit</p> <p>6 Sandy Hill Lane: 1 one-bedroom median unit &amp; 1 two-bedroom median unit</p>
<b>350 Bradford St 40B Project</b>		On 3/16/15 the Town of Provincetown	Ongoing dialogue between

		received a letter from MassHousing indicating that they are currently reviewing an application for a 40B Site Approval submitted by Christopher Wise on behalf of BPJC LLC for the proposed development of 24 ownership condo units. Town submitted comments on 5/15/15.	developer & state.

**DRAFT: AN ACT ESTABLISHING A YEAR-ROUND MARKET RATE RENTAL HOUSING TRUST IN THE TOWN OF PROVINCETOWN**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:*

**SECTION 1.** The general court finds that:

- (a) There exists within the town of Provincetown a severe shortage of year-round market rate rental units to serve the needs of the residents of the town. The shortage in year-round market rate rental units has resulted in significant economic displacement and financial hardship to the residents of the town and has resulted in the relocation of many residents to other towns on and off of Cape Cod. The shortage of year-round market rate rental units constitutes an economic liability, substantially impairs or arrests the sound growth of the town and retards its economic well-being.
- (b) The establishment of a municipal trust with a board of trustees and trust fund is necessary to address this element of the severe housing crisis within the town. The creation of such a trust will help to eliminate the shortage of year-round market rate rental units and is necessary to retain existing industries, businesses and residents and to attract new industries, businesses and residents, and to promote the sound economic growth of the town.
- (c) The shortage of year-round market rate rental housing is beyond remedy and control solely by the incentive and regulatory programs established by the town and is not being dealt with effectively by operations of private enterprise.
- (d) Establishment of a year-round market rate rental housing trust, a board of trustees, and a trust fund is necessary to remedy the severe year-round market rate rental housing crisis in the town. The exercise of powers by the board of trustees and any assistance which may be given by the town, or any other public body in connection therewith, are public uses and purposes for which public money may be expended.
- (e) It is the purpose of the trust created by this Act to aid the town of Provincetown, in the speedy and orderly development of year-round market rate rental housing for the residents of Provincetown and to thereby stimulate economic development.

**SECTION 2.** There is hereby created a municipal trust to be known as the Provincetown Year-Round Market Rate Rental Housing Trust, in this Act called the trust. The trust is established for the purpose of creating and preserving year-round rental units in the town, including but not limited to market rate units, for the benefit of residents of the Town.

### **SECTION 3.**

(a) The trust shall be managed by a board of trustees consisting of five members, appointed by the board of selectmen as follows:

(1) The board of selectmen shall designate one of its members to serve on the board of trustees;

(2) The board of selectmen shall appoint at least one member of the public at large, preferably a resident that lives in year-round market rate rental housing in the town to serve on the board of trustees; and

(3) The board of selectmen shall consider a broad range of expertise including education and experience in real estate development and financing in appointing the remaining three members for the board of trustees.

(b) Each of the five members shall be sworn to the faithful performance of his or her official duties as a member of the board of trustees. A majority of the five members shall constitute a quorum for the transaction of any business. The board of trustees shall elect from among its members a chairman, vice-chairman, clerk and other officers as it finds necessary and determine their duties.

(c) The original members of the board of trustees shall be appointed within 60 days following the effective date of this Act. Of the members of the board of trustees first appointed, one shall be appointed to serve for a term of one year, two for a term of two years and two for a term of three years. The initial appointments may be adjusted to coincide with the regular appointment cycle of the town. All terms thereafter shall be for three years. In the event of a vacancy on the board of trustees, a successor member shall be appointed to complete the unexpired term.

(d) Any member of the board of trustees may be removed by the board of selectmen for cause after reasonable notice and a public hearing by the board of selectmen, unless the notice and hearing are in writing expressly waived by the member subject to removal.

(e) The members of the board of trustees shall not receive compensation for the performance of their duties hereunder, but each member shall be reimbursed by the trust for expenses actually incurred in the performance of his or her duties. Every such reimbursement shall be open to public inspection from and after the requisition thereof.

#### **SECTION 4.**

- (a) There shall be established a trust fund to be known as the year-round market rate rental housing trust fund. Said fund shall be separate and apart from the town of Provincetown general fund.
- (b) The town treasurer shall be the custodian of the trust fund.
- (c) The trust fund shall receive and hold all gifts and grants made to the trust as well as any moneys appropriated by the town to the trust. The trust fund shall also receive all revenues from the sale or lease of trust property and any rental income generated from properties under the custody of the trust.
- (d) Any monies in the trust fund shall be available for expenditure by the trust for the purposes set forth in this Act without the need for further appropriation by town meeting.
- (e) By a two-thirds vote, the town is authorized to borrow money in aid of the trust, to be used by the trust for any purpose consistent with this Act and for which the town is authorized to borrow.
- (f) Any funds previously appropriated by the town for the creation of year-round rental housing prior to the effective date of this Act, shall, by operation of law, be automatically transferred into the trust fund.

#### **SECTION 5.** The trust, by and through its board of trustees, is hereby authorized:

- (a) to accept and receive real property, personal property or money, by gift, grant, contribution, devise or transfer from any person, firm, corporation or other public or private entity, or any other source;
- (b) to purchase and retain real or personal property, including without restriction investments that yield a high rate of income or no income;
- (c) to sell, lease, exchange, transfer or convey any personal, mixed, or real property at public auction or by private contract for such consideration and on such terms as to credit or otherwise, and to make such contracts and enter into such undertaking relative to trust property as the board deems advisable notwithstanding the length of any such lease or contract;

- (d) to execute, acknowledge and deliver deeds, assignments, transfers, pledges, leases, covenants, contracts, promissory notes, releases and other instruments sealed or unsealed, necessary, proper or incident to any transaction in which the board engages for the accomplishment of the purposes of the trust;
- (e) to employ advisors and agents, such as accountants, appraisers and lawyers as the board deems necessary;
- (f) to pay reasonable compensation and expenses to all advisors and agents and to apportion such compensation between income and principal as the board deems advisable;
- (g) to apportion receipts and charges between incomes and principal as the board deems advisable, to amortize premiums and establish sinking funds for such purpose, and to create reserves for depreciation depletion or otherwise;
- (h) to participate in any reorganization, recapitalization, merger or similar transactions; and to give proxies or powers of attorney with or without power of substitution to vote any securities or certificates of interest; and to consent to any contract, lease, mortgage, purchase or sale of property, by or between any corporation and any other corporation or person;
- (i) to deposit any security with any protective reorganization committee, and to delegate to such committee such powers and authority with relation thereto as the board may deem proper and to pay, out of trust property, such portion of expenses and compensation of such committee as the board may deem necessary and appropriate;
- (j) to carry property for accounting purposes other than acquisition date values;
- (k) to borrow money on such terms and conditions and from such sources as the board deems advisable, to mortgage and pledge trust assets as collateral;
- (l) to make distributions or divisions of principal in kind;
- (m) to comprise, attribute, defend, enforce, release, settle or otherwise adjust claims in favor or against the trust, including claims for taxes, and to accept any property, either in total or partial satisfaction of any indebtedness or other obligation, and subject to the provisions of this act, to continue to hold the same for such period of time as the board may deem appropriate;
- (n) to manage or improve real property; and to abandon any property which the board determined not to be worth retaining;

- (o) to hold all or part of the trust property uninvested for such purposes and for such time as the board may deem appropriate; and
- (p) to extend the time for payment of any obligation to the trust.
- (q) General revenues appropriated into the trust become trust property and to be expended these funds need not be further appropriated. All moneys remaining in the trust at the end of any fiscal year, whether or not expended by the board within 1 year of the date they were appropriated into the trust, remain trust property.
- (r) The trust is a public employer and the members of the board are public employees for purposes of chapter 258.
- (s) The trust shall be deemed a municipal agency and the trustees special municipal employees, for purposes of chapter 268A.
- (t) The trust is exempt from chapters 59 and 62, and from any other provisions concerning payment of taxes based upon or measured by property or income imposed by the commonwealth or any political subdivision thereof.
- (u) The books and records of the trust shall be audited annually by an independent auditor in accordance with accepted accounting practices.
- (v) The trust is a governmental body for purposes of sections 18 through 26 of chapter 30A of the General Laws.
- (w) The trust is a board of the city or town for purposes of chapter 30B and section 15A of chapter 40; but agreements and conveyances between the trust and agencies, boards, commissions, authorities, departments and public instrumentalities of the city or town shall be exempt from said chapter 30B.
- (x) Procure insurance against any loss in connection with its properties and other assets and operations in such amount and from such insurers as it deems desirable; and
- (y) Do all acts and things necessary or convenient to carry out the powers expressly granted in this Act.

(z) The board of trustees shall be considered a town board subject to the charter and bylaws of the town except as may be otherwise expressly provided herein. The members of the board of trustees shall be considered municipal employees for all purposes of the General laws.

**SECTION 6.** No year-round market rate rental housing project shall be undertaken until a public hearing relating to the project has been held by the board of trustees after due notice. Further, after due notice, the board of trustees shall hold at least one public hearing annually to receive comments about its management and operations. Due notice of public hearings shall be given by the trust to the general public through a legal notice in two newspapers having a general circulation in the town published no later than two weeks prior to the hearing date.

**SECTION 7.** The financial records of the trust shall be subject to control and oversight by the town's finance department and subject to yearly audits by the accounting firm employed by the town for the purposes of the regular town audit.

**SECTION 8.** Year-round market rate rental units shall be rented giving the maximum preference allowed by law to: (1) current residents of the town of Provincetown; (2) municipal employees; (3) employees of local businesses; and (4) households with children attending Provincetown schools. If there are more eligible applicants than available year-round market rate rental units, the trust shall utilize a lottery system to select tenants. The trust may enact regulations establishing additional preference criteria based on income eligibility.

**SECTION 9.** This Act, being necessary for the welfare of the Commonwealth and the town of Provincetown and its inhabitants, shall be liberally construed to effect the purpose thereof.

**SECTION 10.** This Act shall take effect upon passage.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

5A

## BOARD OF SELECTMEN APPOINTMENTS

Economic Development Committee

Requested by: Board of Selectmen

Action Sought: Approval

### Proposed Motion(s)

**Move that the Board of Selectmen vote to appoint Karen Cappotto as an Alternate member to the Economic Development Committee with a term to expire on December 31, 2016.**

### Additional Information

See attached application.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



TOWN OF PROVINCETOWN

Application for Town Board Membership

Name: Karen Cappotto  
Please type or print

Resident Address: 40 Nelson Provincetown, MA 02657

Mailing Address (if different): Provincetown

Telephone #: 617 699-4666 Work # ( )

Email address: Karen Cappotto @ gmail . com

Please consider this as my application for [ ] membership [ ] reappointment on the following Town Board(s).  
(Please list order of preference.)

- Economic Development EDC
- 
- 

Listed below are the applicant's skills, experience, background, or other factors which would contribute to these committees:

previous  
Business owner on Commercial St for 14 years  
~~and~~ Landscape artist. LOWF grant recipient.  
Maintain design & painting studio here.  
currently owner of PEG + DICK wholesale decorator

I hereby certify that I am a resident of the Town of Provincetown. <sup>Business</sup> based in Ptarm.

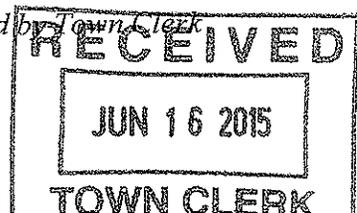
Karen Cappotto June, 16, 2015  
Signature of Applicant Date

TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK

<p>Town Clerk Certification: Applicant is a registered voter:  <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No  <u>D. LaStone</u>  Name of Town Clerk</p>	<p>This application will remain on file in the Town Clerk's Office for 364 days from the date received.  Application Termination Date: <u>6/16/16</u></p>
---	---

Date Received by Board of Selectmen

Date Received by Town Clerk





*Certificate of Appointment*  
**Town of Provincetown**  
PROVINCETOWN, MASSACHUSETTS 02657

To: Karen Cappotto  
40 Nelson  
Provincetown, MA 02657

Date: July 13, 2015  
Phone: 617.699.4666  
Email: karencappotto@gmail.com

In accordance with the Charter of the Town of Provincetown by the voters on April 17, 1990,  
You are hereby appointed a member of Economic Development Committee (Alternate)  
For and within the Town of Provincetown for a term expiring December 31, 2018 or until your  
successor is chosen and qualified.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board of Selectman

Banstable, ss.

Date: \_\_\_\_\_

Personally appeared the above-named Karen Cappotto appointee to the office of  
Economic Development Committee (Alternate) and took the oath necessary to qualify  
him/her for said office.

\_\_\_\_\_  
TOWN CLERK

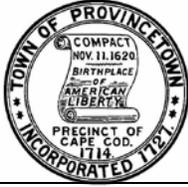
I hereby accept this appointment.

\_\_\_\_\_  
Signature of Appointee

I acknowledge that the Town Clerk has provided me with a copy of the Massachusetts General Law 268A§ 23  
Supplemental Provisions; Standard of Conduct.

\_\_\_\_\_  
Signature of Appointee

**TO THE APPOINTEE:** RETAIN ONE COPY AS PROOF OF APPOINTMENT AND PRESENT ORIGINAL TO THE TOWN CLERK FOR  
PROCESSING. IF NOT ACCEPTED WITHIN 30 CALENDER DAYS THIS POSITION WILL BE CONSIDERED VACANT.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

5B

## BOARD OF SELECTMEN APPOINTMENTS

### Harbor Committee

Requested by: Board of Selectmen

Action Sought: **Approval**

### Proposed Motion(s)

**Move that the Board of Selectmen vote to appoint Elise Cozzi as an Alternate member to the Harbor Committee with a term to expire on June 30, 2018.**

### Additional Information

See attached application for Elise Cozzi.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



# TOWN OF PROVINCETOWN

## Application for Town Board Membership

Name: ELISE COZZI  
Please type or print

Resident Address: 61 B Commercial St Provincetown, MA 02657

Mailing Address (if different): \_\_\_\_\_

Telephone #: 860.884.1660 Work # (\_\_\_\_) \_\_\_\_\_

Email address: e2thpix@SBCGLOBAL.NET

Please consider this as my application for  membership  reappointment on the following Town Board(s).  
(Please list order of preference.)

1. Harbor Committee
2. \_\_\_\_\_
3. \_\_\_\_\_

Listed below are the applicant's skills, experience, background, or other factors which would contribute to these committees:

NOW Serving on the Recycle Renewable Energy Committee, I have owned a home here for 18 years and have vacationed for many before that. I own a boat, have a solar array, rain water collection system and am Energy Star Certified. I love our oceans and environment and want to see others be able to enjoy it too. I feel I have a lot to bring to the Harbor Comm. Htee.  
I hereby certify that I am a resident of the Town of Provincetown.

[Signature]  
Signature of Applicant

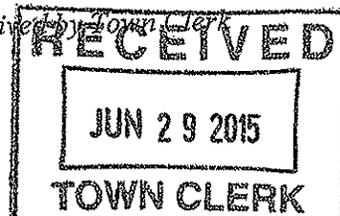
06/26/2015  
Date

**TO THE APPLICANT: FILE COMPLETED FORM WITH THE TOWN CLERK**

<p>Town Clerk Certification: Applicant is a registered voter:  <input checked="" type="checkbox"/> Yes   <input type="checkbox"/> No  <u>[Signature]</u>  Name of Town Clerk</p>	<p>This application will remain on file in the Town Clerk's Office for 364 days from the date received.  Application Termination Date: <u>06.28.2016</u></p>
--	--

Date Received by Board of Selectmen

Date Received by Town Clerk





*Certificate of Appointment*  
**Town of Provincetown**  
PROVINCETOWN, MASSACHUSETTS 02657

To: Elise Cozzi  
61B Commercial Street  
Provincetown, MA 02657

Date: July 13, 2015  
Phone: 860.884.1660  
Email: e2thpik@sbcglobal.net

In accordance with the Charter of the Town of Provincetown by the voters on April 17, 1990,  
You are hereby appointed a member of Harbor Committee (Alternate)

For and within the Town of Provincetown for a term expiring June 30, 2018 or until your  
successor is chosen and qualified.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Board of Selectman

Banstable, ss.

Date: \_\_\_\_\_

Personally appeared the above-named Elise Cozzi appointee to the office of  
Harbor Committee (Alternate) and took the oath necessary to qualify  
him/her for said office.

\_\_\_\_\_  
TOWN CLERK

I hereby accept this appointment.

\_\_\_\_\_  
Signature of Appointee

I acknowledge that the Town Clerk has provided me with a copy of the Massachusetts General Law 268A§ 23  
Supplemental Provisions; Standard of Conduct.

\_\_\_\_\_  
Signature of Appointee

**TO THE APPOINTEE:** RETAIN ONE COPY AS PROOF OF APPOINTMENT AND PRESENT ORIGINAL TO THE TOWN CLERK FOR  
PROCESSING. IF NOT ACCEPTED WITHIN 30 CALENDER DAYS THIS POSITION WILL BE CONSIDERED VACANT.

<b>Harbor Committee</b>			
<b>First</b>	<b>Last</b>	<b>Position</b>	<b>Term End</b>
Laura	Ludwig	Regular	06/30/18
Victor	Seltsam	Regular	06/30/17
David	Flattery	Regular	06/30/18
Susan	Avellar	Regular	06/30/17
Francis J.	Santos	Chair	06/30/17
CB 7/1/15		Alternate	06/30/18





Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

6A

---

## LICENSE REQUEST

63 Shank Painter Road

Requested by: Board of Selectmen

Action Sought: Approval

**Proposed Motion(s)**

**Move that the Board of Selectmen vote to approve the license agreement with Liz Athineos, Licensee on behalf of Robert Meads Jr, Property Owner, for improves within the Public Way of Shank Painter Road adjacent to 63 Shank Painter Road.**

**Additional Information**

The Planning Board originally approved a site plan on January 6, 2014, which included a condition to install two planting beds and street trees within the public way. Subsequent to that approval the applicant installed one of the beds but did not complete the requirements of the approval. On June 25, 2015, the Planning Board considered an amendment to the site plan permit that removed the street trees and the second planting bed, but did require the existing planting bed to remain. Any improvement within the public way requires a license agreement by the Board of Selectmen. DPW weighed in at the Planning Board hearing, and their memo is attached. This DRAFT license agreement would in essence, authorize the existing level of improvements, but other than slight planting and maintenance, it would not require anything additional from the applicant at this time, with the understanding that these improvements are temporary in nature and may be required to be removed in the future.

**Board Action**

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

## LICENSE AGREEMENT

This License Agreement (this "License") is entered into on this \_\_\_\_\_ day of \_\_\_\_\_, 2015 (the "Commencement Date"), by and between the **Town of Provincetown** (the "Town"), acting by and through its Board of Selectmen, having an address of 260 Commercial Street, Provincetown Massachusetts 02657, and Elisabeth Athineos ("Licensee") on behalf of Robert Meads Jr (Property Owner), having an address of 63 Shank Painter Road, Provincetown.

Whereas, Licensee operates property located at 63 Shank Painter Road, Provincetown ("Licensee's Property");

Whereas, Licensee's Property abuts Shank Painter Road, a Town way;

Whereas, Licensee requests the Town's to allow Licensee to maintain an existing mulched bed within the right of way of Shank Painter Road, outside the paved and traveled portion of said roadway, as shown on the sketch plan attached hereto as Exhibit A (the "License Premises"), and the Town is amenable to granting such license.

Now, therefore, the Town grants Licensee a license to use the License Premises to maintain the existing mulched bed as shown on Exhibit A and to add low growing flowers and plantings (not to exceed two feet) that do not have deep root systems, subject to, and Licensee agrees to use said License Premises in compliance with, the following terms and conditions:

1. *Use, Purpose, Term.* Entry and use are non-exclusive, are limited to the License Premises, and are granted to Licensee and its contractors, employees and agents, for the sole purpose of maintaining the existing mulched bed on and to plant flowers and low growing vegetation that do not have deep root systems at the License Premises maintaining the existing mulched bed as depicted on Exhibit A and as it presently exists in the right of way for Shank Painter Road (the "Permitted Use"), but with the flowers and low growing vegetation without a deep root system to be added and maintained. Such entry and use may be exercised from the "Commencement Date" and shall continue unless terminated in accordance with this License.
2. *License Fee.* The consideration for this License shall be a fee of \$1.00.
3. *Use of Premises.* Licensee shall maintain the Licensed Premises in a neat and attractive condition and use it **only** for the existing mulched bed and low growing flowers and plantings that do not have a deep root system and shall not plant trees or install any structure or install or place any additional signage or plantings with deep root systems. The existing mulched bed and flowers and plantings that are low growing (not to exceed two feet in height) and do not have deep root systems shall be maintained in a good and workmanlike manner. Licensee shall not make any alterations or improvements upon the License Area except to undertake the Permitted Use. Licensee shall at all times conduct itself so as not to interfere in any way with the operation of the Property or Property by the Licensor.

Licensee shall be permitted to maintain the existing sign within the existing mulched bed until such time that this agreement terminates, the public way is improved, the Licensee business changes or sign copy changes, at which time the sign will be relocated at owner's expense out of the public way. The sign shall be maintained in a good and workmanlike condition. The sign shall not be permitted to be replaced in kind.

Licensee shall comply with any and all applicable laws, rules and regulations and with the Town's rules and regulations. In the event Licensee fails to comply with its obligations to maintain the License Premises and such failure is not cured within seven (7) days from the date that the notifies Licensee of the same in writing, the Town may, at its sole option, access the License Premises and perform or cause to perform all maintenance of the License Premises deemed reasonably necessary, in its sole discretion, and Licensee shall reimburse the Town for all reasonable costs and expenses incurred by the Town therefor. Licensee shall promptly repair, and restore to any damage to Shank Painter Road, including the License Premises, and/or any improvements thereon caused by or arising directly or indirectly due to the acts or omissions of Licensee, its contractors, employees, agents, invitees or persons acting by or through Licensee (with Licensee, the "Licensee Parties"), at its sole cost and expense. The provisions of this Section shall survive the termination of this License.

4. *Insurance.* Licensee shall obtain and maintain during the term of this License and for so long as Licensee uses or occupies the License Premises, at its sole cost and expense, comprehensive general liability insurance with a minimum coverage amount of \$1,000,000 per occurrence and \$2,000,000 aggregate with respect to loss of life, bodily or personal injury, and damage to property. Licensee shall choose an insurer licensed in Massachusetts having an A or better financial rating from a recognized insurance accreditation institution (such as A.M. Best Company). The Town shall be named as an additional insured on all such policies, and Licensee shall provide for a thirty (30) day written notification to the Town in the event of cancellation or modification of the policy or policies. Licensee shall provide the Town with certificates of insurance prior to entering the Premises for any reason, and annually, on the anniversary of the Commencement Date and at such other times as the Town may reasonably requires.

5. *Indemnification.* Licensee shall defend, indemnify, and hold harmless the Town, its agents, employees, and representatives from and against any and all claims, demands, liabilities, expenses, suits, actions, costs, judgments, whatsoever, including reasonable attorneys' fees, which may be imposed upon, incurred by, or asserted against the Town, its agents, employees and representatives by reason of, or in consequence of (a) any failure on the part of Licensee to comply with any provision or term required to be performed or complied with by Licensee under this License, (b) for the death, injury or property damage suffered by any person on account of or based upon the act, omission, fault, negligence or misconduct of any of the Licensee Parties on or about the License Premises or relating in any way to Licensee's exercise of its rights hereunder, or (c) arising or related to a breach of the provisions of Section 6 (including, without limitation, any and all liabilities, clean-up costs and penalties). The provisions of this Section shall survive the termination of this License.

6. *Hazardous Materials.* Licensee shall strictly comply with all environmental laws affecting the License Premises and shall not bring, place, store, release or otherwise dispose of at

or near the License Premises any oil, hazardous materials, hazardous substances, and/or toxic substances as such terms may be used or defined under federal, state or local law under any existing or future arising statutory or common law, including but not limited to Comprehensive Environmental, Response, Compensation and Liability Act, 42 U.S.C. 9601 et seq., the Resource Conservation and Recovery Act, as amended, 42 U.S.C. 6901 et seq., the Massachusetts Oil and Hazardous Material Release Prevention and Response Act, G.L. c. 21E, and all applicable rules and regulations promulgated thereunder (collectively, the “Hazardous Materials”).

7. *Risk of Loss.* Licensee accepts the License Premises in its AS-IS condition, and agrees that to use the License Premises at its own sole risk, without any representations or warranties, express or implied. The Town shall not be responsible for the condition of the License Premises, including, without limitation, the security thereof, and shall not liable to Licensee or any of the other Licensee Parties for any injury or death to persons entering the License Premises pursuant to this License, or loss or damage to vehicles, equipment or other personal property of any of the Licensee Parties that are brought upon the License Premises pursuant to this License, except if caused directly by gross negligence of the Town or its agents, employees, or represenatives. The provisions of this Section shall survive the termination of this License.

8. *Termination.* This License may be revoked by either party for any reason upon at least thirty (30) days prior written notice to the other. Notwithstanding the foregoing, the Town shall have the right to terminate this License upon five (5) days notice to Licensee if Licensee fails to comply with the terms of this License. Upon the termination of this License, Licensee shall promptly remove the existing mulched bed from the Licensed Premises and any and all other improvements and plantings made to the License Premises, repair any damage caused thereto, and restore the License Premises to their condition prior to the installation of the existing mulched bed, all at Licensee’s sole cost and expense; however, removal shall occur only after notice of the removal is given to the Director of the Town’s Department of Public Works and under the Director’s supervision or under the supervision of the Director’s designee, so that any damage to the infrastructure under the right of way is safeguarded against. The provisions of this Section shall survive the expiration or termination of this License.

9. *Miscellaneous.*

(a) This License shall not be construed as creating or vesting in Licensee any estate in the License Premises, but only the limited right of use as hereinabove stated.

(b) This License contains the entire agreement of the parties and there are no other agreements or understandings between the parties regarding the subject matter of this License.

(c) Modifications or amendments to this License shall be in writing and duly executed by both parties hereto to be effective.

(d) Licensee is not authorized to bind or involve the Town in any contract or to incur any liability for or on the part of the Town.

(e) The Town reserves the right and Licensees shall permit the Town and its employees, contractors, agents and invitees to enter upon and use the Premises at any time for any and all purposes at Town's sole discretion, provided that Town's use shall not interfere unreasonably with Licensee's Permitted Uses.

(f) If any portion of this License is declared to be illegal, unenforceable or void, then all parties to this License shall be relieved of all obligations under that portion; provided, however, that the remainder of this License shall be enforced to the fullest extent permitted by law.

(g) The captions in this License are inserted for convenience of reference only and in no way define, describe or limit the scope or intent of this License or any of the provisions thereof.

(h) All appropriate terms and provisions relating to indemnification and the restoration of the property affected hereby, shall survive the expiration or termination of this License.

(i) This License shall be governed by and construed in accordance with the laws of the Commonwealth of Massachusetts, and any and all legal actions brought in connection with this License shall be brought in courts within the Commonwealth of Massachusetts.

IN WITNESS WHEREOF, the parties hereto have caused this License Agreement to be executed and effective as of the date first above written.

Licensee

Licensor:  
TOWN OF PROVINCETOWN,  
By its Board of Selectmen

\_\_\_\_\_  
Liz Athineos

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Exhibit A

Sketch Plan

NOT A PART

EXISTING SIGN

EXISTING PLANTING BED

SHANK PAINTER ROAD

NOTES:

- 1. ASSESSOR'S MAP 7-3, PARCEL 25
- 2. ZONING CLASSIFICATION: GENERAL COMMERCIAL
- 3. OWNER OF RECORD: ROBERT R. MEADS, JR. DEED BOOK 10312, PAGE 35

SITE DATA

LOT AREA = 15,840± SQ. FT.  
 BUILDING (EXISTING)  
 FIRST FLOOR AREA = 2,428± SQ. FT.  
 BASEMENT AREA = 3,396± SQ. FT.

CONSTRUCTION NOTES:

- 1. THE CONTRACTOR SHALL OBTAIN AND BECOME FAMILIAR WITH ANY ORDER OF CONDITIONS ISSUED BY THE TOWN OF PROVINCETOWN CONSERVATION COMMISSION REGARDING WORK IN AND AROUND THE LOCUS PROPERTY.
- 2. PRIOR TO ANY DISTURBANCE OF THE SITE, A STAKED SILT FENCE / LIMIT OF WORK SHALL BE INSTALLED IN THE LOCATION SHOWN. THE SILT FENCE SHALL REMAIN IN PLACE UNTIL ALL AREAS UPGRADIENT FROM THE BARRIER HAVE BEEN STABILIZED.
- 3. DEBRIS IS TO BE PLACED IN A DUMPSTER AND REMOVED TO A LICENSED DISPOSAL SITE. NO DEBRIS IS TO BE STOCKPILED ON SITE.
- 4. ANY EXCAVATED MATERIAL WILL BE REMOVED FROM THE SITE. THERE WILL BE NO STOCKPILING OF EXCAVATED MATERIAL OR FILL ON SITE.

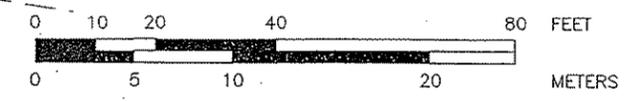
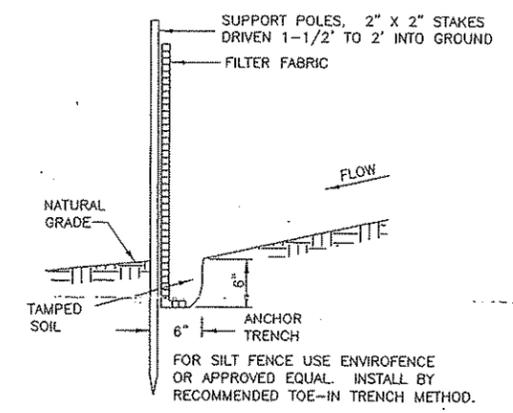
LEGEND

⊙	MANHOLE
⊠	CATCH BASIN
★	LAMP
CB FND	CONCRETE BOUND, FOUND



SILT FENCE SEDIMENT BARRIER DETAIL

(NO SCALE)



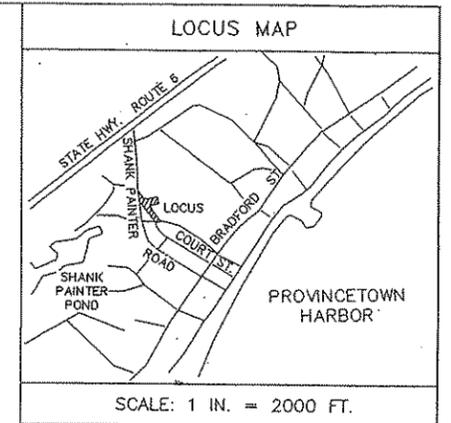
PROPOSED SITE PLAN  
 63 SHANK PAINTER ROAD  
**PROVINCETOWN, MA**  
 PREPARED FOR: THE BIKE SHACK, LLC  
 C/O LIZ ATHINEOS

SCALE: 1" = 20' DATE: NOVEMBER 22, 2013  
 SCHOFIELD BROTHERS OF CAPE COD  
 PROFESSIONAL ENGINEERS & PROFESSIONAL LAND SURVEYORS  
 P.O. BOX 101, 161 CRANBERRY HIGHWAY, ORLEANS, MA 02653  
 TEL. NO. 508-255-2098 FAX NO. 508-240-1215

COPYRIGHT 2013, BY SCHOFIELD BROTHERS OF CAPE COD

REVISED: NOVEMBER 25, 2013

0-11426



0-11426

# TOWN OF PROVINCETOWN

## Department of Public Works

Highway Division  
Water & Sewer Division  
Buildings & Grounds Division  
Transfer Station/Recycling Center  
Sanitation Division  
Cemetery Division

Richard J. Waldo, Director  
Eric L. Larsen, Deputy Director  
Cody J. Salisbury, Water Superintendent  
Sherry Prada, Operations Director



## Veterans Memorial Community Center

2 Mayflower St., Room 74  
Mail: 260 Commercial Street  
Provincetown MA 02657  
Phone: 508.487.7060  
FAX: 508.487.4675

<http://www.provincetown-ma.gov>

[rwaldo@provincetown-ma.gov](mailto:rwaldo@provincetown-ma.gov)  
[elarsen@provincetown-ma.gov](mailto:elarsen@provincetown-ma.gov)  
[csalisbury@provincetown-ma.gov](mailto:csalisbury@provincetown-ma.gov)  
[sprada@provincetown-ma.gov](mailto:sprada@provincetown-ma.gov)

June 17, 2015

John Golden, Chair  
Provincetown Planning Board

### **RE: SHANK PAINTER ROAD ENCROACHMENT**

Mr. Golden:

I am writing to address my concerns relating to **Site Plan Review Case #FY14-08** approved by the Planning Board on January 6<sup>th</sup>, 2014. The approved plan required the applicant to construct two (2) large timber planters, as well as the installation of four (4) 2" caliper trees and other miscellaneous plantings within the public right-of-way known as Shank Painter Road. In my capacity as the Director of the Public Works Department, and the principle caretaker of all public ways, I would have thought that my input with regard to the recent decision (involving public ways) would have been of paramount value to the board. I would like to take this opportunity to make clear, that the DPW is in no way supportive of any private construction within the public right-of-way.

The DPW relies heavily upon the wide-road layout during winter months to quickly remove snow, and to ensure a clear and safe route for all public safety vehicles responding to incidents from this road. In theory, if we obstruct the shoulder of this road, the DPW will need to transport the snow as there will be no place to put it. Additionally, several delicate drainage structures, line the east shoulder of Shank Painter Road. If we start abutting the structures with planting beds, heavy rains ultimately will shed dirt and mulch into these basins prohibiting them from draining properly.

In spite of my concerns relating to encroaching upon a public right-of-way, we find ourselves in a situation where the applicant has already furnished and installed at their own expense, a single timber planter measuring approximately 6 ft. wide and 30 ft. long within the layout of Shank Painter Road. I object to any further encroachment and respectfully request that the Planning Board reconsider the approval for a second timber planting bed as well as the planting of any street trees at this time.

The DPW would be willing to accept the existing timber planter as well as the associated business sign as it is situated today with the understanding that should the planter or sign suffer

**SHANK PAINTER ROAD ENCROACHMENT**

June 17, 2015

Page 2

severe damage, as a result of general or snow plow activities, it shall not be reconstructed within the right-of-way but instead relocated onto the private property. The DPW, therefore, will not be responsible for any damage to sign or planter that may result from activities within the right-of-way. The applicant/owner of said planter shall maintain vegetation and bed covering as to not shed into nearby storm drains during rain events.

The DPW appreciates the Planning Board's decision to re-evaluate this matter and reach out to our department for comment. Although I understand the board's desire to improve Shank Painter Road, I feel that a more comprehensive approach is needed. Our department is working toward securing the funding for design as well as the reconstruction of Shank Painter Road. We envision a design process that will seek input from the Planning Board, business owners and residents to collectively decide what is the best strategy for improving this important roadway.

Should you have any questions or concerns with regard to this matter, please do not hesitate to contact me at (508) 487-7060.

Respectfully,

A handwritten signature in black ink, appearing to read 'R. Waldo', written in a cursive style.

Richard J. Waldo, P.E.  
Director, Provincetown Department of Public Works

RJW/dpm



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

6B

**BOARD OF HEALTH FEE CHANGE APPROVAL**

**Approve Changes to Board of Health Fees**

Requested by: Board of Health

Action Sought: Approval

**Proposed Motion(s)**

**MOVE that the Board of Selectmen vote to approve changes to Board of Health fees Part VIII, Article 1 – Fee Schedule and Part VI, Article 5 – Solid Waste Fees as presented.**

**Additional Information**

See attached documentation.

**Board Action**

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

**APPROVED CHANGES TO BOARD OF HEALTH FEES:  
PART VIII, ART 1 – FEE SCHEDULE  
PART VI, ART 5 – SOLID WASTE FEES**

All fee changes described below were reviewed and discussed at a public hearing and meeting of the Board of Health on June 18, 2015, unless otherwise noted. Fee changes previously approved were reviewed and re-approved on June 18, 2015.

**FEE SCHEDULE (PART VIII, ART 1)**

**Non-Substantive Changes**

The following are changes in presentation, only. Instead of applying a separate application fee, the application fee is added to the total fee price.

- Add the \$25 DCD Application fee directly to fees for annual licenses, rather than having to add the application fee separately (no change in total fee costs)
  - Septic Installer
  - Septage Hauler
  - Septic System Inspector
  - Sewer Connector
  - Commercial Refuse Hauler
- Add Application/Inspection fees to total fee cost for Swimming Pools and Hot Tubs

**Other non-substantive changes**

- Clarify septic system inspection report fee is charged per parcel

**Substantive Changes**

- Increase test hole witness fee to cover actual costs charged by County for providing this service.
- Remove fees for outdated types of food service permits (see new chart of food permit fees, bottom of page 2). Match new fees to new food establishment regulations.
- Change fee for Camps, Cabins, and Motels to the same fee charged by the Licensing Board for Guest Houses and Inns.
- Assess a flat fee for rental units for our online permitting software. Increase fee to \$50/year/unit, or \$150 per unit for the three year period of certificate.
- Changed Body Art fees as requested by Body Art community. Board of Health held a public hearing and discussion on 4/5/12 to approve these changes.
- Remove stable license fees.

**SOLID WASTE FEES (PART VI, ART 5)**

All fee changes described below were approved by Board of Health on 3/19/15 after a public hearing and meeting with DPW Deputy Director Larsen.

- Add a fee for mattresses and box springs, which the transfer station began accepting.
- Add fee for recycling stickers, so residents may use their own containers for recycling.
- Add a fee for single stream recycling for commercial haulers.
- Clarified fees for non-profits.

PART VIII

**ARTICLE 1 – Fee Schedule**

Revised: March 6, 2003  
 Effective: July 17, 2003  
 Revised: December 16, 2004  
 Public Hearing: December 16, 2004  
 Public Hearing: September 26, 2005  
 Revised: January 19, 2006

**LICENSE / PERMIT**

**FEE SCHEDULE**

<b>Septic-Related Permits</b>	
Test Hole Witness Fee	<del>\$100.00</del> <b>\$150.00</b>
Septic System Permit (new construction)	\$300.00
Septic System Permit (upgrade/repair)	\$250.00
Board of Health Variance Filing Fee	\$200.00
Septic System Inspection Report Review Fee – <b>Per Parcel</b>	\$50.00
Septic System Installation Re-Inspection Fee	\$25.00
<b>Annual Licenses:</b>	
Application Fee-DGD	\$25.00
Septic System Installer License	<del>\$200.00</del> <b>\$225.00</b>
Septage Haulers License	<del>\$250.00</del> <b>\$275.00</b>
Septic System Inspectors License	<del>\$200.00</del> <b>\$225.00</b>
Sewer Connectors License	<del>\$200.00</del> <b>\$225.00</b>
Sewer Connections Inspectors License	<del>\$200.00</del> <b>\$225.00</b>
Commercial Rubbish <b>Refuse</b> Haulers License	<del>\$250.00</del> <b>\$275.00</b>
<b>Food Service Permits</b>	
Residential Kitchen	\$100.00
Caterer	\$100.00
Manufacture of Ice Cream	\$100.00
Manufacture of Candies	\$100.00
Manufacturer of Juice/Slush Beverages	\$100.00
Food Cart	\$100.00
Residential Kitchen Continental Breakfast	\$50.00
Retail Food Service	\$100.00
Retail Sales / Food Service Combo	\$200.00
<b>Food Service Establishments:</b>	
0 Seats (take-out)	\$100.00
25 or less seats	\$200.00
26 – 50 Seats	\$300.00
51 Seats or more	\$400.00
<b>Camps, Cabins &amp; Motel License</b>	<del>\$150.00</del> <b>\$55.00</b>
	\$120.00/per three years <b>\$150 per unit.</b>
<b>Renters Certificate</b>	<b>Certificate valid for three years.</b>
<b>Each additional unit on property</b>	\$50.00

<b>Body Art Licenses</b>	
Facility <del>Establishment</del>	<del>\$200.00</del> <b>\$155.00</b>
Technician	<del>\$150.00</del> <b>\$100.00</b>
Limited "Guest Artist" License <b>Guest Body Art Technician</b>	\$25.00
Inspection Fee	\$25.00
Application Fee	\$30.00
<b>Swimming Pool / Spa Permit</b>	
Swimming Pool	<del>\$150.00</del> <b>\$205.00</b>
Spa / Hot Tub	<del>\$150.00</del> <b>\$205.00</b>
Application Fee	\$30.00
Inspection Fee	\$25.00
<b>Underground Fuel Storage Tank Reg</b>	\$20.00
<b>Funeral Director's License</b>	\$200.00
<b>Stable License</b>	-
Facility	\$50.00
Application Fee	\$30.00
Inspection Fee	\$30.00
<b>Tobacco Sales Permit</b>	\$200.00
<b>Tanning Facility</b>	\$50.00

<b>Food Service Permits</b>	
Food Establishment – Institution	No Fee
Food Establishment	<b>\$400.00</b>
Food Establishment – Limited Facility	<b>\$200.00</b>
Food Establishment – Caterer or Mobile Food Operations	<b>\$100.00</b>
Residential Kitchen – Full Breakfast	\$100.00
Residential Kitchen – Continental Breakfast	\$50.00
Residential Kitchen – Retail Food Sales	<b>\$50.00</b>
Retail Food Sales	<del>\$100.00</del> <b>\$50.00</b>
<b>Add On Permits (May Only be Added to Food Service Establishment/Institution Permit)</b>	
Catering	\$100.00
Food Truck/Mobile Vendor	<b>\$100.00</b>
<b>Other Food Related Permits</b>	
Temporary Food Establishments	No fee
<b>Food Service Establishments – Seating</b>	-
0 Seats (take-out)	\$100.00
24 or less seats	\$200.00
25 – 50 Seats	\$300.00
51 Seats or more	\$400.00

## PART VI

### ARTICLE 5 - Solid Waste Fees

Public Hearing August 23, 2007

Effective September 6, 2007

Revised:

#### A. Solid Waste Fees

Acting under the authority of Massachusetts General Laws, Chapter 111, Sections 31 and 31A, the Provincetown Board of Health adopts the following solid waste fees for the use of the Provincetown Transfer Station/Recycling Center:

<b>1. Residents</b>	
a. Annual sticker	No Fee
b. Household Trash in car	All resident property owners/tax payers with no curbside pickup will be allowed two barrels (4 standard bags) with no charge. Anything beyond the two barrels (or 4 standard bags) will be charged \$2.00 per small bag and \$4.00 per large bags.
c. Pick-up Truck Residential Plates	Same as a & b
d. Grass and leaves only (household)	\$ 0
e. Pick-up Truck with Commercial Plates	See New Rates Below
f. Brush-auto or pick-up trucks	\$10.00 per load
g. Large Appliances (no freon appliances)	\$20.00 each
h. Clean Wood Waste (no nails, paint, treatment, stained)	\$20.00 per load
i. Miscellaneous Metals	\$40.00 per ton (\$5.00 minimum charge)
j. Tires	\$4.00 for each car tire with or without rim \$8.00 for each truck tire with or without rim \$30.00 for each heavy equipment tire with/without rim
k. Mattresses or Box Springs	\$20.00 each
l. Recycling bins	<i>Fee set by the Department of Public Works based on the cost to the Town to obtain the bins.</i>
m. Recycling stickers (for up to 32 gal. barrels)	\$5.00 per pair
<b>2. Business</b>	Self Hauling – to include Guest Houses, Motels, Hotels, Camps, Cabins, Lodging, Inns, Time Share Units and Camp Grounds.
a. Annual sticker	\$50.00 per year per vehicle
b. Business trash in car	\$4.00 per bag
c. Business trash in pick-up	\$4.00 per bag

d. Grass, Leaves, brush in car or Pick-up	\$14.00 per load
e. Grass, leaves, brush high-side Pick-up	\$22.00 per load
f. Grass, leaves, brush in 1-ton Dump truck	\$44.00 per load
g. Large Appliances	\$20.00 each
h. Miscellaneous Metals	\$40.00 per ton (\$5.00 minimum charge)
<b>3. Commercial Haulers</b>	
a. Annual permits w/ Sticker	\$250.00 per year
b. Pick-up Truck	\$ 143.60 per ton or \$.07180 per lb
c. Pick-up Truck High Sides	\$ 143.60 per ton or \$.07180 per lb
d. Packer 4 yard	\$ 143.60 per ton or \$.07180 per lb
e. Packer 6 yard	\$ 143.60 per ton or \$.07180 per lb
f. Packer 7 yard	\$ 143.60 per ton or \$.07180 per lb
g. Packer 8 yard	\$ 143.60 per ton or \$.07180 per lb
h. Packer 16 yard	\$ 143.60 per ton or \$.07180 per lb
i. Packer 18 yard	\$ 143.60 per ton or \$.07180 per lb
j. Packer 20 yard	\$ 143.60 per ton or \$.07180 per lb
k. <u>Single-Stream Recyclables <sup>1</sup></u>	\$ 40.00 per ton or \$0.02 per lb
l. Grass, leaves brush in pick-up	\$ 28.00 per load \$ 14.00 per half load
m. Grass, leaves, brush in high-side Pick-up	\$ 36.00 per load \$ 18.00 per half load
n. Grass, leaves, brush in Dump Truck	\$ 58.00 per load
o. Commercial Appliances	\$ 30.00 each
p. Metals	\$ 40.00 per ton (\$5.00 minimum)
q. Fuel Tanks (maximum capacity 300 gallons)	\$20.00 each
<b>4. Non Profit Organizations</b>	
a. <u>Annual Sticker (after Licensing has Proof of Non- Profit Eligibility).</u>	No Fee
b. <u>All Refuse</u>	No Fee
c. <u>Weighed Items</u>	No Fee
4. Non Profit Organizations: a. Annual Sticker (after Licensing has Proof of	No Fee

<del>Non-Profit Eligibility):</del> <del>b. Charge on all Refuse-</del> <del>c. Will be weighed</del>	No Charge No Charge
---	------------------------

<sup>1</sup> Commercial haulers that separate cardboard from single stream recyclables may drop off this material prior to being weighed

B. A half load is delineated from the midpoint of the rear well to either the rear end of the pickup truck or to the front end of the bed. For non-pickup vehicles four 32 gallon barrels or less is considered a half load. Anything over four 32 gallon barrels is considered a half load.

C. The decision of the transfer station attendant is final

1. Any complaints will have to be put in writing to the Health Agent and will be brought before the Board of Health for determination.
2. All complaints must be in writing with all information filled in, including: name, address, phone number, explanation of incident, and parties involved. Complaint forms may be picked up at any Town office.

TOWN BY TOWN ANALYSIS  
REGULATION OF RENTAL UNITS

TOWN	REGULATE RENTAL UNITS?	IF YES, IN WHAT FORM?	FEE	INSPECTIONS?
PROVINCETOWN	YES	REGISTRATION	\$150/3 YEARS	NO INSPECTION
TRURO	YES	REGISTRATION (SHORT TERM RENTALS ONLY)	\$200/YEAR	NO INSPECTION
WELLFLEET	NO			
EASTHAM	YES	INSPECTION	\$75/YEAR	YES, FOR NEW APPLICANTS, AND THEN EVERY 3-5 YEARS AFTER
ORLEANS	NO			
CHATHAM	NO			
BREWSTER	NO			
HARWICH	YES	REGISTRATION (SHORT TERM RENTALS ONLY)	\$55/YEAR	NO INSPECTION
DENNIS	YES	INSPECTION	\$45/YEAR	YES, NEW APPLICATION OR CHANGE OF OWNERSHIP
YARMOUTH	YES	INSPECTION	\$50/YEAR	YES, FOR FIRST TIME REGISTRANTS
BARNSTABLE	YES	REGISTRATION	\$90/YEAR - \$25 FOR ADDITIONAL UNITS OWNED BY THE SAME OWNER AT THE SAME ADDRESS	NO INSPECTION
SANDWICH	NO			
MASHPEE	NO			
FALMOUTH	YES	REGISTRATION	\$25/YEAR (BOS CONSIDERING \$100)	NO INSPECTION
BOURNE	NO			



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

6C

## WASTEWATER SYSTEM UPDATE

Requested by: DPW Director Richard J. Waldo, P.E.

Action Sought: Discussion & Approval

### Proposed Motions

**MOVE that the Board of Selectmen vote to approve Contract Amendment #13-1 with AECOM in the amount of \$350,000 for preliminary planning and engineering services related to Wastewater Optimization & Expansion.**

### Additional Information

#### Planning for the Future Wastewater Needs of the Town

Preliminary analysis by the Department of Public Works' Sewer Team and the Town's engineers indicates that adding treatment and disposal capacity beyond the currently planned 750,000 GPD MDF limit could take as long as five years.

This 5-year timeframe would include approximately 2 years for planning and preliminary design and cost assessment, 2 years for permitting and approvals, and 2 years for construction, with the potential to overlap the timing of these steps.

Town voters approved \$3,000,000 in borrowing authorization at April 2015 Annual Town Meeting. The intent of this borrowing authorization was to provide several years' worth of planning, engineering and construction funding so that the voters are not required to consider a wastewater funding article every year. The key tasks of the contract amendment are to provide:

- Preliminary planning and engineering to evaluate options for providing additional treatment and disposal capacity beyond the 750,000 MDF limit.
- Preliminary planning and engineering for potential sewer extensions or other capital improvements that would be required to serve future public service uses including municipal needs and/or affordable housing or economic development proposals.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



CONTRACT AMENDMENT	
CLIENT: Town of Provincetown, MA	SERVICE AGREEMENT DATE: June 29, 2001
POINT OF CONTACT: Richard J. Waldo	PROJECT: Wastewater Treatment Plant and Sewer Collection System
CONTRACTOR: AECOM Technical Services, Inc.	CHANGE AMENDMENT NO: 13-1
POINT OF CONTACT: Rob Adams	DATE: July 1, 2015

**EXCEPT AS OTHERWISE EXPRESSLY STIPULATED, AECOM AGREES TO PERFORM THE WORK DESCRIBED HEREIN IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ABOVE MENTIONED SERVICE AGREEMENT.**

**TASK DESCRIPTION:**

In accordance with AECOM’s proposal, dated 7/1/2015, including all attachments (Exhibit 1), provide planning and engineering support to evaluate options for expanding of the Town’s existing wastewater treatment facility (WWTF) beyond 750,000 gallons per day (gpd). This additional capacity would support serving additional properties along the Town’s existing sewer system and also potentially allow for additional collection system expansion.

**SCHEDULE:** The above work shall commence on the date the contract amendment is executed. The proposed work is anticipated to be completed by August 30, 2016.

**FUNDING:** \$350,000.00

The work will be performed on a time and materials (T&M). A copy of AECOM’s current billing rates is included in Exhibit 1, Attachment A. AECOM shall not exceed the amount stated above without the advance written approval of the Town.

**TERMINATION:**

Either party may terminate the work of this contract amendment for their convenience provided that they provide the other party with at least 10 days written notice. AECOM will be compensated for all services properly provided prior to the termination date.

**THIS CONTRACT AMENDMENT SERVES TO AUTHORIZE WORK WHICH WAS ENVISIONED IN THE SCOPE OF THE SERVICE AGREEMENT. ALL TERMS AND CONDITIONS NEGOTIATED UNDER THE BASE SERVICE AGREEMENT REMAIN IN FORCE AND ARE APPLICABLE TO THIS CONTRACT AMENDMENT.**

**AECOM Technical Services, Inc.:**

Robert B. Adams, Associate Vice President

July 1, 2015  
Date

1

**TOWN OF PROVINCETOWN, MA:**

*Board of Selectmen:*

\_\_\_\_\_  
Thomas N. Donegan, Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Erik P. Yingling, Vice Chair

\_\_\_\_\_  
Date

\_\_\_\_\_  
Cheryl Andrews

\_\_\_\_\_  
Date

\_\_\_\_\_  
Raphael Richter

\_\_\_\_\_  
Date

\_\_\_\_\_  
Robert Anthony

\_\_\_\_\_  
Date

*Town Manager:*

\_\_\_\_\_  
David Gardner, Acting

\_\_\_\_\_  
Date

In accordance with M.G.L. Chapter 44, Section 31C, this is to certify that an appropriation in the amount of this contract amendment is available therefore and that the Board of Selectmen has been authorized to execute the contract amendment and approve all requisitions.

\_\_\_\_\_  
Dan Hoort, Finance Director

\_\_\_\_\_  
Date

2



AECOM  
701 Edgewater Drive  
Wakefield, MA 01880  
www.aecom.com

781 246 5200 tel  
781 245 6293 fax

July 1, 2015

EXHIBIT 1, CA#13-1

Mr. Richard J. Waldo, P.E.  
Department of Public Works - Director  
Town of Provincetown  
2 Mayflower Street  
Provincetown, MA 02657

**SUBJECT: AECOM Contract Amendment No. 13-1  
Planning & Engineering Support  
Wastewater Optimization & Expansion  
Provincetown, MA**

Dear Mr. Waldo:

Per your request, we are pleased to provide the Town with a cost proposal to provide additional planning and engineering support for the expansion of the Town's wastewater treatment and collection facilities.

#### **BACKGROUND**

At the Special Town Meeting held on April 6, 2015, voters approved \$3 million in borrowing authorization under Article 10 to provide additional optimization and expansion of the Town's wastewater treatment and collection system. The intent was that this borrowing authorization would provide for several years' worth of planning, engineering and construction funding so that the voters are not required to consider a wastewater funding article every year. As discussed at the Board of Selectmen's meeting held on February 9<sup>th</sup>, \$350,000 of this amount was budgeted for the preliminary planning and engineering work described herein.

#### **SCOPE OF WORK**

The scope of work for this contract amendment consists of providing planning and engineering support to evaluate options for expanding of the Town's existing wastewater treatment facility (WWTF) beyond 750,000 gallons per day (gpd). This additional capacity would support serving additional properties along the Town's existing sewer system and also potentially allow for additional collection system expansion. A brief summary of the work anticipated is provided below:

- Identify alternatives to expand the existing max day flow (MDF) permitted capacity at the WWTF beyond 750,000 gpd.
- Evaluate how much wastewater treatment capacity would be needed to serve the entire Town. In addition, evaluate lower cost alternatives which would increase wastewater capacity to lower levels.
- Perform the preliminary planning and engineering work necessary to evaluate the different WWTP expansion alternatives.



Mr. Richard J. Waldo  
July 1, 2015  
Page 2 of 2

- Develop capacity limits and cost estimates for each alternative and provide recommendations on the most cost-effective alternative(s) that will meet the identified needs to the Town.
- If requested, work with the DPW to perform additional "outreach" in the area(s) to be potentially served to determine if the level of interest and the feasibility of serving these new areas/properties.
- Continue to evaluate economic development permit (EDP) requests (and others) received by the town to determine if they can be served by the existing sewer system.
- Continue to work and meet with DPW staff to review and address planning and design details.
- Continue to work and meet with MassDEP to discuss the proposed expansion.
- Continue to attend periodic BOS meetings to update the Board on the progress of the project.

#### PRICING

We are requesting a budget of \$350,000 for the work. This work will be performed on a time and materials (T&M) basis. A copy of AECOM's current billing rates is included in Attachment A. Please note that this budget represents an estimate only. Should additional funding be required in the future, we would notify you prior to exceeding this amount.

This proposal is based on the execution of a mutually acceptable contract amendment. All work will be performed in accordance with the terms and conditions of AECOM's existing contract with the Town.

Should you find this proposal acceptable, we have enclosed two (2) copies of Contract amendment for your execution. Upon execution, please return one copy for our records. In the meantime, should you have any questions please do not hesitate to contact us.

Very truly yours,  
AECOM Technical Services, Inc.

Robert B. Adams  
Associate Vice President

**ATTACHMENT A - AECOM CA#13-1**

**BILLING RATES**

Provincetown, Massachusetts

Design-Build-Operate

Wastewater Collection System, Treatment Plant, & Disposal System

CA#13-1: Engineering & Planning Support - WWTP Expansion

July 1, 2015

TITLE	HOURLY BILLING RATE
<b>CONSULTING / ENGINEERING</b>	
Project Director or Senior Technical Leader II	\$220.00
Senior Technical Leader I	\$210.00
Senior Project Manager or Technical Leader II	\$190.00
Technical Leader I	\$175.00
Project Manager or Sr Tech Specialist	\$150.00
Senior Project Engineer	\$135.00
Proj Engineer or Tech Specialist or Sr. Scientist	\$120.00
Engineer II/I or Tech Specialist - Engineering II/I or Scientist III	\$105.00
Scientist II or Scientist I	\$90.00
<b>DESIGN AND DRAFTING</b>	
Sr Designer IV	\$140.00
Designer III	\$120.00
Designer II or Graphic Artist III	\$105.00
Sr CADD Drafter III or Graphic Artist II	\$90.00
CADD Drafter II/I	\$80.00
<b>PROJECT SUPPORT SERVICES</b>	
Sr Admin Assistant III	\$90.00
Admin Assistant II or Accounting Clerk II	\$70.00
Sr Clerk III or Admin Assistant I or Accounting Clerk I	\$60.00
Clerk II or Clerk I	\$55.00
<b>NONSALARY EXPENSES</b>	1.10 times cost
<p>Non-salary expenses include, but are not limited to, such typical expenses as the cost of transportation and subsistence; telephone and telex-fax use, printing and reproduction; equipment and materials; identifiable supplies, outside consultant charges;</p> <p>Billing rates are subject to increase during the course of each year.</p>	



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

6D

## TRAILER MOUNTED DIESEL GENERATOR

Requested by: DPW Director Richard J. Waldo, P.E.

Action Sought: Discussion & Approval

### Proposed Motions

**MOVE that the Board of Selectmen vote to approve Contract Amendment #13-2 with AECOM in the amount of \$65,000 for the purchase of a trailer mounted towable emergency backup generator.**

### Additional Information

#### BACKGROUND:

A Capital Improvement Request in the amount of \$200,000 was brought forward at the 2013 April Town Meeting by the Board of Selectmen and Town Manager. On the floor the article was reduced to \$40,000 as it was argued that the surplus generator at the Knowles Crossing Filter Building could be used for this purpose. Unfortunately that generator is not suitable as a towable generator.

The town meeting article was brought forward after winter storm "Nemo" exposed vulnerabilities the Town may someday face regarding generator failure. During that storm we encountered 6 generators failing during a power outage, most notably the sewer treatment plant.

It would be fortuitous for the town to be able to provide power to critical town facilities in the event of a power failure followed by failure of the facility's in-place stand-by power unit, albeit, a utility failure followed by a back-up generator failure.

This extra degree of available insurance means that within hours of the second failure, a readily available unit can be towed to the site and hooked up.

The funding approved is insufficient to purchase a suitable generator for said purposes. The sewer department relies heavily on back-up generators to maintain vacuum pressure in the collection system as well as to power the pump stations and grinder pits. The sewer department would like to support the intent of the original article and provide supplemental funding from a capital repair and replacement account to assist in the purchase of a towable generator.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>



CONTRACT AMENDMENT	
CLIENT: Town of Provincetown, MA	SERVICE AGREEMENT DATE: June 29, 2001
POINT OF CONTACT: Richard J. Waldo	PROJECT: Wastewater Treatment Plant and Sewer Collection System
CONTRACTOR: AECOM Technical Services, Inc.	CHANGE AMENDMENT NO: 13-2
POINT OF CONTACT: Rob Adams	DATE: July 1, 2015

EXCEPT AS OTHERWISE EXPRESSLY STIPULATED, AECOM AGREES TO PERFORM THE WORK DESCRIBED HEREIN IN ACCORDANCE WITH THE TERMS AND CONDITIONS OF THE ABOVE MENTIONED SERVICE AGREEMENT.

**TASK DESCRIPTION:**

In accordance with AECOM's proposal, dated 7/1/2015, including all attachments (Exhibit 1), provide a new Kohler Model No. 150REOZT, trailer mounted towable emergency backup generator. In addition, five (5) 50-foot long, 4/0 power cables (3 per phase + ground + neutral) with camlock connections (1 side only) will be provided.

**SCHEDULE:** The above work shall commence on the date the contract amendment is executed. The proposed work is anticipated to be completed by the Fall of 2015.

**FUNDING:** \$65,000.00

The work will be performed on a lump sum basis. Progress invoices shall be submitted on a monthly basis based on the percentage of work completed to date. All payments are due within 30 days of invoice dates.

**TERMINATION:**

Either party may terminate the work of this contract amendment for their convenience provided that they provide the other party with at least 10 days written notice. AECOM will be compensated for all services properly provided prior to the termination date.

**THIS CONTRACT AMENDMENT SERVES TO AUTHORIZE WORK WHICH WAS ENVISIONED IN THE SCOPE OF THE SERVICE AGREEMENT. ALL TERMS AND CONDITIONS NEGOTIATED UNDER THE BASE SERVICE AGREEMENT REMAIN IN FORCE AND ARE APPLICABLE TO THIS CONTRACT AMENDMENT.**

AECOM Technical Services, Inc.:

Robert B. Adams, Associate Vice President

July 1, 2015

Date





AECOM  
701 Edgewater Drive  
Wakefield, MA 01880  
www.aecom.com

781 246 5200 tel  
781 245 6293 fax

July 1, 2015

EXHIBIT 1, CA#13-2

Mr. Richard J. Waldo, P.E.  
Department of Public Works - Director  
Town of Provincetown  
2 Mayflower Street  
Provincetown, MA 02657

**SUBJECT: AECOM Contract Amendment No. 13-2  
Trailer Mounted Diesel Generator  
Provincetown, MA**

Dear Mr. Waldo:

Per your request, we are pleased to provide the Town with a lump sum cost proposal in the amount of \$65,000.00 to provide a new trailer mounted towable emergency backup generator for the Town's use.

#### **BACKGROUND**

A list of the Town's existing emergency backup generators is provided in Attachment A. There are a total of seventeen (17) generators ranging in size from 30 to 300 kilowatts (kW). The electric phase/voltage varies as well: 3 phase, 480/277 volt (8 generators); 3 phase 208/120 volt (7 generators); and 1 phase 240/120 volt (2 generators).

After discussions with the Town it was agreed that a 150 kW<sup>1</sup> trailer mounted generator would be a reasonable size to have on hand as an emergency backup in the event that one of the existing generators failed. In addition, this portable generator could also potentially be used at other Town owned buildings that do not currently have an emergency backup generator. The proposed generator will have a voltage selector switch so that the generator is capable of providing the different voltages required.

It is understood that a 150 kW generator is not big enough to handle the larger Town facilities at their full electrical load. However, with some electrical load shedding it may be possible to provide some electric power to critical loads in a dire emergency where both the utility electrical power and the existing backup generator have failed.

#### **SCOPE OF WORK**

The scope of work for this contract amendment includes providing a new Kohler Model No. 150REOZT, trailer mounted towable emergency backup generator. Additional information on this generator is provided in Attachment B. In addition, five (5) 50-foot long, 4/0 power cables (3 per phase + ground + neutral) with camlock connections (1 side only) will be provided.

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<sup>1</sup> The proposed generator will be capable of providing 150 kW for 3 phase power applications and 115 kW for single phase power applications. Refer to the attached literature for additional information.



Mr. Richard J. Waldo  
July 1, 2015  
Page 2 of 4

It should be noted that the cost of providing a connection point and/or generator transfer switches at each of the Town owned facilities is not included. It is understood that in the event of an emergency, the Town will need to hire an electrician to temporarily wire up this generator.

Please note that the cost of registering the trailer mounted generator and providing the necessary insurance is not included and will need to be paid for separately by the Town.

This proposal is based on the execution of a mutually acceptable contract amendment. All work will be performed in accordance with the terms and conditions of AECOM's existing contract with the Town.

Should you find this proposal acceptable, we have enclosed two (2) copies of Contract amendment for your execution. Upon execution, please return one copy for our records. In the meantime, should you have any questions please do not hesitate to contact us.

Very truly yours,  
AECOM Technical Services, Inc.

A handwritten signature in black ink, appearing to read "Robert B. Adams". The signature is fluid and cursive, with a long horizontal stroke at the end.

Robert B. Adams  
Associate Vice President

4

**ATTACHMENT A**  
**LIST OF CURRENT**  
**TOWN-OWNED**  
**EMERGENCY BACKUP GENERATORS**

ATTACHMENT A  
List of Standby Generator Units  
Town of Provincetown, MA

6/11/2015

Location	Department	kW	Phase	Voltage	Fuel Type	Year	Manufacturer	Model No.	Serial No.	Comments
<b>3 Phase, 480V Generators</b>										
South Hollow	Water	300	3	480/277VAC	Diesel	2004	Caterpillar	SR4B	8ER04151	Product ID: CAT000000KFP501665
Wastewater Treatment Plant	Wastewater	265	3	480/277VAC	Diesel	2001	Kohler	250RE02D		
Central Vacuum Station (CVS)	Wastewater	160	3	480/277VAC	Diesel	2001	Kohler	150RE02B		
North Union Field	Water	180	3	480/277VAC	Propane	2013	Olymplan	G120L62	*GX02184	
Knowles Crossing Water Treatment Plant (Generator #1)	Water	150	3	480/277VAC	Propane	2013	Generac	MG150	MGO150KG036.8V36GPLYF	
Knowles Crossing Water Treatment Plant (Generator #2)	Water	150	3	480/277VAC	Propane	2013	Generac	MG150	MGO150KG036.8V36GPLYF	
Shank Painter Pump Station	Wastewater	80	3	480/277VAC	Propane	2007	Kohler	8DRZG		
Thistlemore Pump Station	Wastewater	44	3	480/277VAC	Propane	2011	Baldor	IGLC45-2GU		
Kendall Lane Pump Station	Wastewater	32	3	480/277VAC	Propane	2011	Baldor	IGLC35-2GU		
<b>3 Phase, 208V Generators</b>										
Town Hall	Town	140	3	208/120VAC	Propane	2010	Cummins	GGLB-2089029	1090079237	Cummins Power Generation. Voltage assumed to be 208/120VAC to match Town Hall main distribution.
VMCC (Elementary School)	Town	130	3	208/120VAC	Diesel	2002	Generac	2894560100	2070907	Generac 2000 Series
Fire Station	Town	125	3	208/120VAC	Propane	(?)	Kohler	125R02B1	327068	
Freeman Street Pumps	Town	40	3	208/120VAC	Diesel	1990	Kohler	0R02B1	189201-81	Multiple voltage configurations. Assumed 208/120VAC to match service.
Highway Garage	Town	30	3	208/120VAC	Propane	(?)	Kohler	HC144G	04149/04	
Commodore Pump Station	Wastewater	32	3	208/120VAC	Propane	2011	Baldor	IGLC35-2GU		
Snail Pump Station	Wastewater	32	3	208/120VAC	Propane	2011	Baldor	IGLC35-2GU		
<b>1 Phase Generators</b>										
Police Department	Town	40	1	240/120VAC	Propane	2001	Generac	43730	3533193	Guardian by Generac Power Systems
West End Pump Station	Wastewater	40	1	240/120VAC	Diesel	2002	Katallight	SED40FG14 CSA LR32481		

**ATTACHMENT B  
GENERATOR INFO**

Model: **150REOZT**

**KOHLER** POWER SYSTEMS

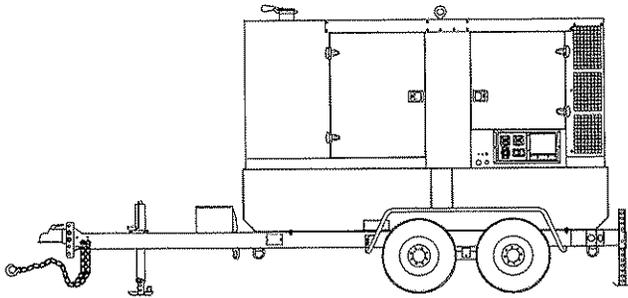
208-480 V

Diesel



**Ratings Range**

		<b>60 Hz</b>
<b>Standby:</b>	<b>kW</b>	115-155
	<b>kVA</b>	115-194
<b>Prime:</b>	<b>kW</b>	105-140
	<b>kVA</b>	105-175



**Industrial Towable Generator Sets**

- Kohler Co. provides one-source responsibility for the generating system and accessories.
- The generator set and its components are prototype-tested, factory-built, and production-tested.
- A one-year limited warranty covers all systems and components.
- Generator sets are available with and without trailers.
- Generator set features:
  - Durable galvanized steel, sound-attenuating housing.
  - Electrical power panel.
  - Unit-mounted radiator with 50°C (122°F) ambient air capability with prime rating.
  - Skid and vibration isolators.
  - Main line circuit breaker, 630 amps.
  - Microprocessor controller with emergency stop switch.
  - Externally mounted, recessed emergency stop switch.
  - Lockable generator output voltage selector switch wired for 277/480 V 3 phase, 120/208 V 3 phase, and 120/240 V 1 phase.
  - Generator set and trailer operation literature.
- Engine features:
  - John Deere engine with 12-volt battery charging alternator.
  - Heavy-duty air cleaner with air restrictor indicator.
  - Battery, battery rack, and cables.
  - Engine is compliant with the Environmental Protection Agency (EPA) requirements.
  - Water separator fuel filter.
  - Battery disconnect switch.
  - Block heater, 120 V/1800 W.
- Enclosure/fuel tank package features:
  - Quiet operation, 69 dB(A) @ 7 m (23 ft.) (full load).
  - Lockable housing doors.
  - Subbase fuel tank, 868 L (229 gal.).
  - 110% environmental containment basin for fuel, oil, and coolant.
- Trailer features:
  - 2 5/16 in. ball hitch coupler with adaptability for an optional Lunette eye.
  - Lockable utility tool box.
  - Running lights with 7-wire harness and connector.
  - Dual-axle trailer with electric brake system including breakaway and battery backup. 2722 kg (6000 lb.) rating per axle.
  - 15 x 6, 6-bolt steel wheels and ST225/75R15 LRD tires with 1152 kg (2540 lb.) load rating.
  - Rear stabilizer trailer jacks.

**Generator Set Ratings**

Alternator	Voltage	Ph	Hz	Standby Rating		Prime Rating	
				kW/kVA	Amps	kW/kVA	Amps
LSA442M95	120/208	3	60	150/188	520	135/169	468
	120/240	1	60	115/115	479	105/105	438
	277/480	3	60	155/194	233	140/175	210

RATINGS: All three-phase units are rated at 0.8 power factor. All single-phase units are rated at 1.0 power factor. *Standby Ratings:* The standby rating is applicable to varying loads for the duration of a power outage. There is no overload capability for this rating. *Prime Power Ratings:* At varying load, the number of generator set operating hours is unlimited. A 10% overload capacity is available for one hour in twelve. Ratings are in accordance with ISO-8528-1 and ISO-3046-1. For limited running time and continuous ratings, consult the factory. Obtain technical information bulletin (TIB-101) for ratings guidelines, complete ratings definitions, and site condition derates. The generator set manufacturer reserves the right to change the design or specifications without notice and without any obligation or liability whatsoever.



## Alternator Specifications

- NEMA-MG21, UTE NF C51.111, VDE 0530, BS 4999, CSA standards compliance for temperature rise and motor starting.
- Self-ventilated and dripproof construction.
- Vacuum-impregnated windings with fungus-resistant epoxy varnish for dependability and long life.
- Superior voltage waveform from a two-thirds pitch stator and skewed rotor.

Specifications	Alternator
Manufacturer	Leroy Somer
Type	4-Pole, Rotating-Field
Exciter type	Shunt
Leads: quantity, type	12, Reconnectable
Voltage regulator	Solid State, R230
Insulation:	NEMA MG1
Material	Class H
Bearing: quantity, type	1, Sealed
Coupling	Direct
Voltage regulation, no-load to full-load	±1%
Direct axis subtransient reactance (X <sup>d</sup> ), %	6.9

## Application Data

### Engine

Engine Specifications	
Manufacturer	John Deere
Engine model	6068HFS83
Engine type	4-Cycle, Turbocharged, Aftercooled
Cylinder arrangement	6 inline
Displacement, L (cu. in.)	6.8 (415)
Bore and stroke, mm (in.)	106 x 127 (4.2 x 5.0)
Compression ratio	19:1
Piston speed, m/min. (ft./min.)	457 (1500)
Rated rpm	1800
Max. power at rated rpm, kWm (BHP)	177 (237)
Valve material:	
Intake	Chromium-Silicon Steel
Exhaust	Stainless Steel
Governor type	Electronic
Frequency regulation, no-load to full-load	ISO 5%
Frequency regulation, steady state	±2.5%
Air cleaner type, all models	Dry

### Engine Electrical

Engine Electrical System	
Battery charging alternator:	
Ground (negative/positive)	Negative
Volts (DC)	12
Starter motor rated voltage (DC)	12
Battery, recommended cold cranking amps (CCA):	
Quantity, CCA rating each	One, 760
Battery voltage (DC)	12

### Fuel

Fuel System	
Max. fuel flow, Lph (gph)	107.29 (28.3)
Fuel prime pump	Manual
Recommended fuel	#2 Diesel
Fuel tank capacity, L (gal.)	868 (229)

### Lubrication

Lubricating System	
Type	Full Pressure
Oil pan capacity, L (qt.)	32 (34)
Oil pan capacity with filter, L (qt.)	33 (34.9)

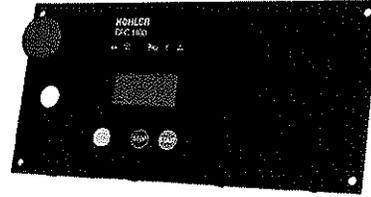
## Application Data

### Operation Requirements

#### Fuel Consumption

Diesel, Lph (gph) at % load	Prime Rating
100% (of the prime rating)	40.91 (10.8)
75% (of the prime rating)	34.71 (9.2)
50% (of the prime rating)	25.29 (6.7)

## Controllers



### Decision-Maker® 1000

#### Standard Features

- LCD display panel
- User buttons for start, stop, and menu scroll and selection
- Emergency stop button
- On/off key switch
- LED indication for status
- Panel-mounted battery fuse
- Panel lights

#### LCD Panel Features

- Three lines of text and graphic display
- Icons for quick identification of system status

#### Functions

- View and adjust system operation parameters
- View system faults

#### Viewable/Selectable Parameters (may require optional module)

- Mode of operation
- Battery voltage
- Frequency
- Time delay countdown
- Hourmeter
- Engine speed
- Fuel level (%)
- Coolant temperature
- Oil pressure
- Voltage: phase, phase-to-neutral, total voltage
- Current

#### Viewable Faults

- Overspeed
- Overcrank
- Low fuel level
- Coolant temperature
- Oil pressure
- Battery charger
- Frequency meter, ammeter, voltmeter
- Emergency stop

KOHLER CO., Kohler, Wisconsin 53044 USA  
 Phone 920-457-4441, Fax 920-459-1646  
 For the nearest sales and service outlet in the  
 US and Canada, phone 1-800-544-2444  
 KohlerPower.com

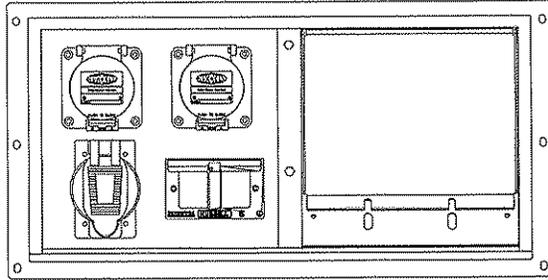
Kohler Power Systems, EMEA Headquarters  
 ZI Senia 122  
 12, rue des Hauts Flouviars  
 94517 Thiais Cedex, France  
 Phone (33) 1 41 735500, Fax (33) 1 41 735501

Kohler Power Systems  
 Asia Pacific Headquarters  
 7 Jurong Pier Road  
 Singapore 619159  
 Phone (65) 6264-6422, Fax (65) 6264-6455

## Distribution Panel

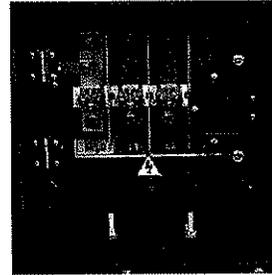
### Receptacles

- Two 20-amp 120 V, 1 phase, GFCI duplex
- Two 50-amp 120/240 V twistlock (shore power)
- Individual receptacle circuit breakers



### Bus Bar Connection

- Main bus connection studs enclosed behind a lockable access door for easy access and operator safety
- Strain relief to prevent cables from being pulled free from bus connections

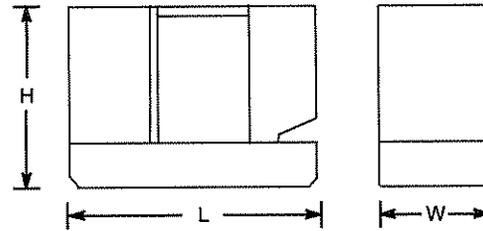


## Available Accessories

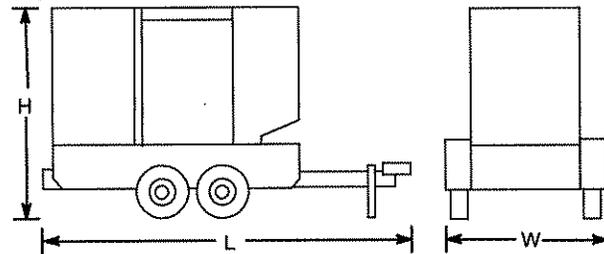
- Battery Charger, Equalize/Float Type
- Bottle Jack
- Cable Rack (bolt on)
- Fire Extinguisher
- Lunette Eye
- Remote Start Connections
- Spare Tire
- Trailer (includes utility tool box)

## Dimensions and Weights

Overall Size, L x W x H, mm (in.): 3560 x 1180 x 2202  
 (140.16 x 46.46 x 86.71)  
 Weight, wet, kg (lb.): 3560 (7848)



Overall Size, L x W x H, mm (in.): 5315 x 2011 x 2811  
 (209.24 x 79.16 x 100.66)  
 Weight, wet, kg (lb.): 4667 (10289)



**Note:** This drawing is provided for reference only and should not be used for planning installation. Contact your local distributor for more detailed information.

### DISTRIBUTED BY:

Bill Hafferty  
 Power Generation Sales Engineer  
 Kraft Power Corp.  
 T: 781-938-9100 x2234  
 C: 781-606-1339  
 email: bhafferty@kraftpower.com

**TECHNICAL INFORMATION BULLETIN**

**Alternator Data Sheet**

Alternator Model: LSA442M95  
 Frequency: 60 Hz  
 Speed: 1800 RPM  
 Leads: 12

Voltage L-N/L-L	Phase	Power Factor	Connection	kW* (kVA)	kW* (kVA)	kW* (kVA)
				Class F	Class H	Class H
				105°C Prime	125°C Prime	150°C Standby
139/240 277/480	3	0.8	Wye	134 (167)	150 (188)	157 (196)
127/220 254/440	3	0.8	Wye	128 (160)	139 (174)	149 (186)
120/208 240/416	3	0.8	Wye	123 (154)	134 (167)	143 (179)
110/190 220/380	3	0.8	Wye	115 (144)	125 (156)	134 (167)
120/240	1	0.8	Dogleg	77 (96)	83 (104)	88 (110)
120/240	1	1.0	Dogleg	96 (96)	104 (104)	110 (110)

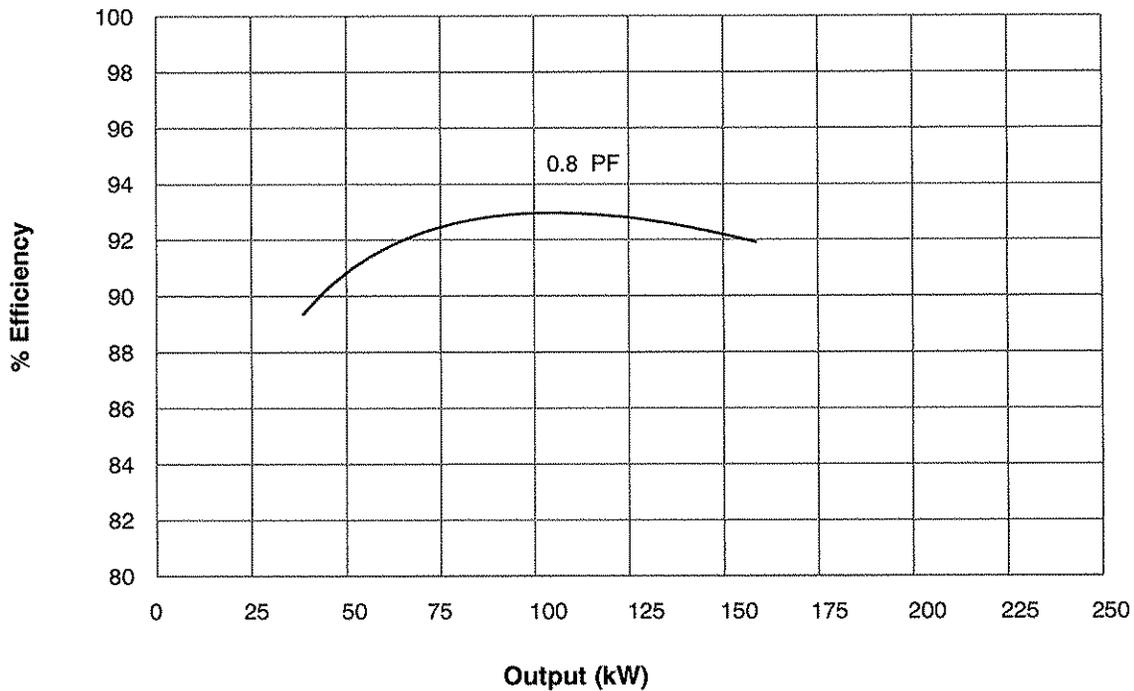
\* Kohler Co. reserves the right to change the design or specifications without notice and without any obligation or liability whatsoever.

**Submittal Data: 139/240 Volts, 0.8 PF, 1800 RPM, 60 Hz, 3-Phase, 130°C Rise**

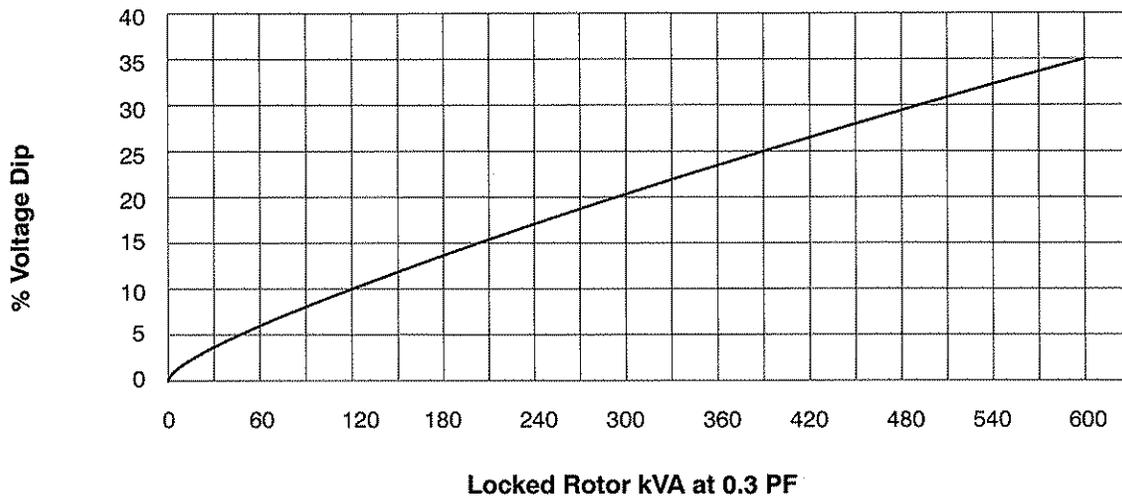
Symbol Per Unit			Symbol Value	
<b>Typical Reactances</b>			<b>Typical Time Constants</b>	
Synchronous			Armature Short Circuit	T <sub>a</sub> 0.0015 sec.
Direct	X <sub>d</sub>	3.17	Transient Short Circuit	T' <sub>d</sub> 0.01 sec.
Quadrature	X <sub>q</sub>	1.9	Transient Open Circuit	T' <sub>do</sub> 0.286 sec.
Transient			<b>Typical Exciter Field Current</b>	
Saturated	X' <sub>d</sub>	0.011	Full Load	I <sub>fFL</sub> 4 amps
Subtransient			No Load	I <sub>fNL</sub> 1.2 amps
Direct	X'' <sub>d</sub>	0.066	<b>Typical Short Circuit Ratio</b>	
Quadrature	X'' <sub>q</sub>	0.078	K <sub>cc</sub> 0.41	
Negative Sequence	X <sub>2</sub>	0.073	<b>Harmonic Distortion</b>	
Zero Sequence	X <sub>0</sub>	0.001	RMS Total Harmonic Distortion	<2%
			IEC Total Harmonic Factor	<2%
			Telephone Influence Factor	<50
			<b>Insulation Class</b>	
			per NEMA MG1-1.66	H
			<b>Phase Rotation</b>	
				ABC

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**LSA442M95, 60 Hz, 139/240, 277/480 Volts, Wye  
TYPICAL ALTERNATOR EFFICIENCY\***



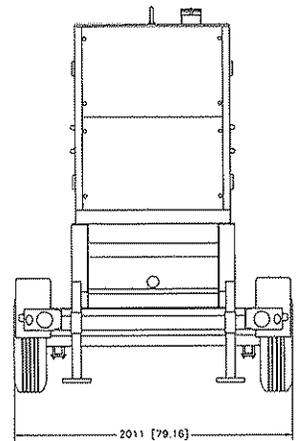
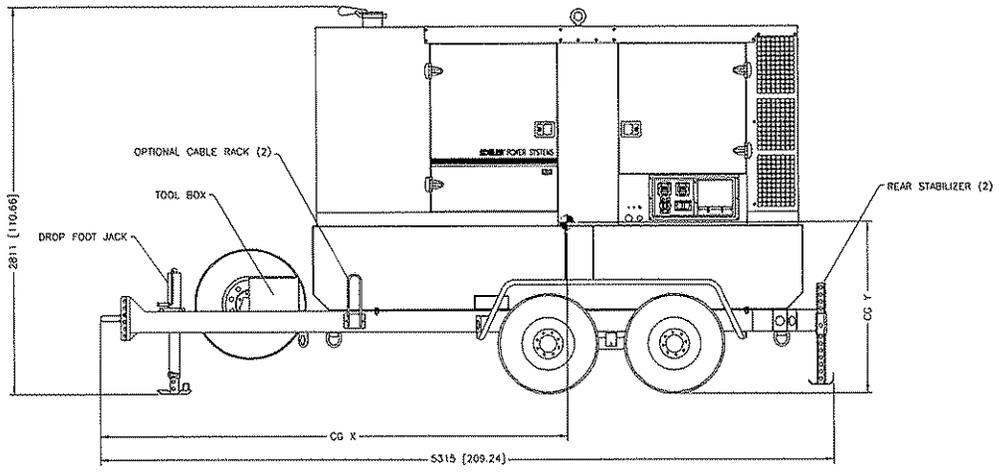
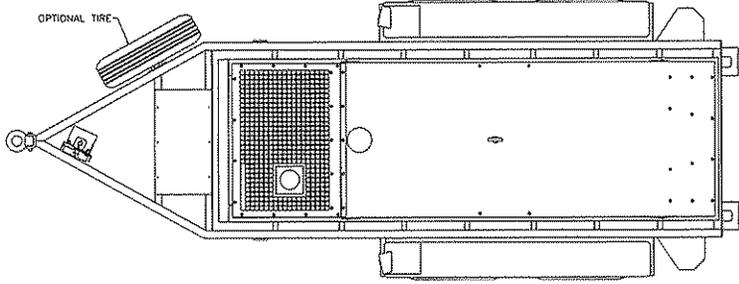
**LSA442M95, 60 Hz, 139/240, 277/480 Volts, Wye  
TYPICAL MOTOR STARTING CHARACTERISTICS\***



\* Kohler Co. reserves the right to change the design or specifications without notice and without any obligation or liability whatsoever.

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REV	DATE	DESCRIPTION	BY
-	4-22-08	NEW DRAWING (84433-2)	SAW
A	8-24-09	(A-E) CENTER OF GRAVITY UPDATED AND CHANGED (87748)	SAW



METRIC CAD FILE

CENTER OF GRAVITY DIMENSIONS		
MODEL	CG X	CG Y
125 KW	3383 [133.20]	1242 [48.91]
150 KW	3433 [135.16]	1245 [49.02]
200 KW	3361 [132.32]	1245 [49.02]

MODEL	WEIGHT WET	GVWR
125 KW	4621 KG [10,188 LBS]	5398 KG [11,900 LBS]
150 KW	4667 KG [10,289 LBS]	5398 KG [11,900 LBS]
200 KW	4757 KG [10,488 LBS]	5398 KG [11,900 LBS]

ALL DIMENSIONS IN [ ] ARE ENGLISH EQUIVALENTS

**KOHLER CO.**

POWER SYSTEMS, MODEL M, SERIAL 224

THE COMPANY IS NOT RESPONSIBLE FOR THE ACCURACY OF THIS DRAWING OR ANY DIMENSIONS THEREON.

ALL DIMENSIONS IN METRIC ARE SHOWN.

**DIMENSION PRINT**

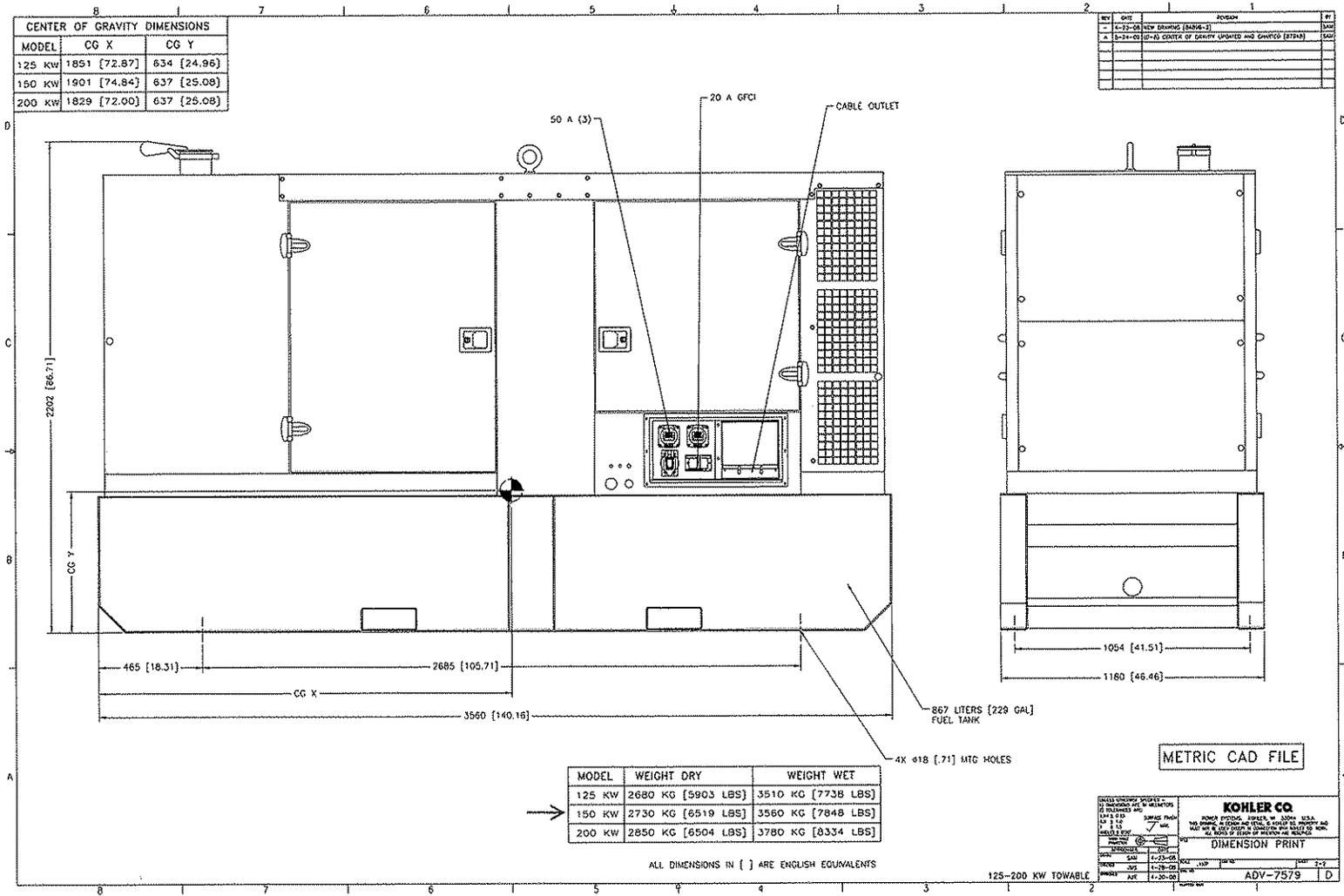
DATE: 8-24-09  
 DRAWN: SAW  
 CHECKED: [ ]  
 APPROVED: [ ]

125-200 KW TOWABLE ADV-7579

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CENTER OF GRAVITY DIMENSIONS		
MODEL	CG X	CG Y
125 KW	1851 [72.87]	634 [24.96]
150 KW	1901 [74.84]	637 [25.08]
200 KW	1829 [72.00]	637 [25.08]

REV	DATE	DESCRIPTION	BY
1	11-23-00	NEW DRAWING (MINS-1)	SMC
2	11-24-00	CG-DIMENSIONS UPDATED AND CHECKED (ETRA)	SMC



MODEL	WEIGHT DRY	WEIGHT WET
125 KW	2680 KG [5903 LBS]	3510 KG [7738 LBS]
150 KW	2730 KG [6519 LBS]	3560 KG [7848 LBS]
200 KW	2850 KG [6504 LBS]	3780 KG [8334 LBS]

METRIC CAD FILE

**KOHLER CO.**  
 125-200 KW TOWABLE  
 DIMENSION PRINT  
 ADV-7579



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

6E

## TRANSPORTATION & CIVIL ENGINEERING SERVICE

Requested by: DPW Director Richard J. Waldo, P.E.

Action Sought: Discussion & Approval

### Proposed Motions

**MOVE that the Board of Selectmen vote to approve a Service Contract with Environmental Partners Group, Inc. for professional transportation and civil engineering services.**

### Additional Information

As Provincetown voters continue to invest in the maintenance of their roadways through a Capital Improvement Program some projects require an in-depth review of existing conditions. Utilizing engineering services with concentrations ranging from geotechnical to transportation ensures that the funds are properly spent towards a long-term solution.

A general services contract is a streamlined, efficient way for DPW to execute assignments quickly. The legal terms are in the base contract and reviewed once. As assignments come up, EPG would send DPW simple Task Orders with a scope and budget. The DPW Director would have the authority to approve and execute the Task Orders without going through various Town reviews since all legalities in the base contract are already setup and govern. The benefits of a general services contract are especially apparent in smaller scaled assignments that don't warrant the preparation of long individual contracts and a lengthy Town review process each time.

In addition to the Service Contract in the agenda packet there are Task Order #2 and Task Order #3. These are examples of typical tasks that would be executed by the DPW Director as part of the Pavement Management Program.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

**BOARD OF SELECTMEN  
TOWN OF PROVINCETOWN, MASSACHUSETTS**

**AGREEMENT  
FOR  
ENGINEERING AND SUPPLEMENTAL SERVICES  
RELATED TO TRANSPORTATION AND CIVIL ENGINEERING PROJECTS**

**JUNE 2015**

**ENVIRONMENTAL PARTNERS GROUP, INC.**

**Quincy, Massachusetts**

THIS AGREEMENT, made and entered into on the date hereinafter written, by and between The Town of Provincetown, Massachusetts, acting through its Board of Selectmen (hereinafter called the Client), and ENVIRONMENTAL PARTNERS GROUP INC., a corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, and having its principal place of business in Hingham, Massachusetts (hereinafter called ENVIRONMENTAL PARTNERS).

WITNESSETH, that in consideration of the mutual agreements herein contained, the parties hereto agree as follows:

**SECTION 1. EMPLOYMENT OF ENVIRONMENTAL PARTNERS:**

The Client hereby employs ENVIRONMENTAL PARTNERS and ENVIRONMENTAL PARTNERS agrees to perform engineering and supplemental services in accordance with the provisions of SECTION 3 of this Agreement.

**SECTION 2. INFORMATION AND SERVICES TO BE FURNISHED BY THE CLIENT:**

The Client will furnish to and shall assist ENVIRONMENTAL PARTNERS in obtaining from municipal and state agencies and private individuals or companies such information and data as is available and pertinent to the work contemplated under this Agreement and provide such services as indicated below. In general, this will consist of the following:

1. Furnish available utility data as required, and mark water mains in the field.
2. Provide access to Client records for such data as benchmarks, plans, maps, property ownership, etc.
3. Furnish data on proposed planning projects in the area.
4. Arrange for access to and make all provisions for ENVIRONMENTAL PARTNERS to enter upon public and private properties as required for ENVIRONMENTAL PARTNERS to perform the services under this Agreement.

5. Furnish the services of a backhoe and operator for test pit purposes.
6. Provide police details, cones and barricades as necessary for work within the Town..
7. Designate, in writing, a person to act as Client's representative with respect to the services to be rendered under this Agreement.

**SECTION 3. CHARACTER AND EXTENT OF ENGINEERING AND SUPPLEMENTAL SERVICES:**

The Client hereby engages ENVIRONMENTAL PARTNERS to perform certain professional engineering and related services as requested by the Client on a task order basis, on issues related to transportation, peer reviews, asset management/GIS services, storm water management, and other engineering services as may be requested by the Client. ENVIRONMENTAL PARTNERS will provide a task order for each project as requested by the Client. Each task order shall define the services agreed upon by both parties, including the scope of work, fee, fee structure, and schedule for completion of each task order, which will be used by the Client in preparing a Purchase Order. Work will proceed if the Client's Director of Public Works approves the task order.

**SECTION 4. COMPENSATION:**

The Client agrees to pay and ENVIRONMENTAL PARTNERS agrees to receive as full compensation for professional services under this Agreement, the amounts specified in each task order, as may be amended.

The Client agrees to make interim payments to ENVIRONMENTAL PARTNERS upon receipt of monthly invoices. The overall total cost for each task order shall be due and payable to ENVIRONMENTAL PARTNERS upon submission of the plans, reports and documentation as defined in said task orders.

Should the Client request significant modifications or changes in the scope of services, an amendment to the task order(s) shall be executed adjusting the compensation accordingly.

Payment for services shall be made by the Client to ENVIRONMENTAL PARTNERS on the basis of periodic invoices. Each invoice will indicate the estimated percent of work complete as a basis for partial payment. Payment shall be made by the Client on or before thirty (30) calendar days after receipt of ENVIRONMENTAL PARTNERS' invoice. If the Client objects to any invoice submitted by ENVIRONMENTAL PARTNERS, Client shall so advise ENVIRONMENTAL PARTNERS of the objections, in writing, within fourteen (14) days of receipt of such invoice. If the Client fails to make any payment due ENVIRONMENTAL PARTNERS within thirty (30) days after receipt of ENVIRONMENTAL PARTNERS' invoice, the amounts due ENVIRONMENTAL PARTNERS may include a charge at the then prime rate plus one percent from said thirtieth day.

**SECTION 5. REVISION OF SCOPE OF WORK:**

If the Client orders major changes in the character and extent of engineering and supplemental services consisting of additions, deletions, or modifications, either directly or as a result of requirements by other agencies, following completion of a portion of the work as shall necessitate setting aside a portion of the completed work, the compensation and time of completion shall be adjusted accordingly. All such changes shall be authorized in writing and signed by the Client and ENVIRONMENTAL PARTNERS. The cost or credit to the Client shall be determined by mutual agreement provided that ENVIRONMENTAL PARTNERS shall be compensated for all work performed on any part of the work affected by the change order.

**SECTION 6. TIME OF COMPLETION:**

ENVIRONMENTAL PARTNERS agrees to commence work under this Agreement immediately upon receipt of an executed copy of the Agreement and related task order(s).

ENVIRONMENTAL PARTNERS shall use its best efforts to perform all services under this Agreement as expeditiously as is consistent with professional skill and care and the orderly progress of the work. This Agreement shall be in force for a period of three (3) years from the

X

date of execution, and may be extended for an additional three (3 ) years at the discretion of the Client, and upon acceptance by ENVIRONMENTAL PARTNERS.

**SECTION 7. GENERAL CONDITIONS:**

No services shall be performed under this Agreement for real estate surveying, for acquisition of easements, for land takings or for any other real estate conveyance purpose.

ENVIRONMENTAL PARTNERS is not obligated to prepare for or appear in litigation or in any arbitration proceeding on behalf of the Client, except in consideration of additional compensation to be mutually agreed upon.

The Client agrees to take all necessary actions and votes in order to promptly compensate ENVIRONMENTAL PARTNERS for its services.

ENVIRONMENTAL PARTNERS shall be liable only to the extent that its negligence has actually caused any injury or damage to the Client. In the event that ENVIRONMENTAL PARTNERS is adjudicated or otherwise found to be jointly negligent, the liability of ENVIRONMENTAL PARTNERS shall be limited to the proportion or degree of its actual negligence, and recovery against ENVIRONMENTAL PARTNERS shall be limited to ENVIRONMENTAL PARTNERS' percentage share of the joint negligence as applied against the total amount recoverable.

Under no circumstances shall ENVIRONMENTAL PARTNERS be liable to the Client for indirect, special or consequential damages, including but not limited to loss of use, loss of profit, or claims for delay, impact or disruption damages made by Client, or any contractors or subcontractors.

The Client acknowledges that ENVIRONMENTAL PARTNERS is a corporation and agrees that any claim made by the Client arising out of any act or omission of any director, officer or employee of ENVIRONMENTAL PARTNERS in the execution or performance of this Agreement, shall be made against the corporation and not against such director, officer or employee.

The Engineer shall indemnify, defend and hold the Client harmless from and against any and all claims, demands, liabilities, actions, causes of actions, costs and expenses arising out of the Engineer's breach of this Agreement or the negligence or misconduct of the Engineer, or the Engineer's agents or employees.

One (1) reproducible copy of all Drawings and Specifications furnished by the Engineer and all other documents prepared by the engineer shall become the property of the Client upon payment in full to the Engineer under this Agreement. Ownership of the stamped drawings and specifications shall not include the Engineer's certification or stamp. Any re-use of such Drawings and/or Specifications without the Engineer's written verification of suitability for the specific purpose intended shall be without liability or legal exposure to the Engineer or the engineer's independent professional associates, subcontractors or consultants. Distribution or submission to meet official regulatory requirements or for other purposes in connection with the project is not to be construed as an act in derogation of the Engineer's rights under this Agreement.

If ENVIRONMENTAL PARTNERS' services are delayed or suspended in whole or in part by the Client for more than two months for reasons beyond ENVIRONMENTAL PARTNERS' control, the amount of compensation provided for elsewhere in the Agreement shall be subject to renegotiation.

The Client and ENVIRONMENTAL PARTNERS each binds itself, its partners, successors, assigns, and legal representatives to the other party to this Agreement and to the partners, successors, assigns and legal representatives of such other party with respect to all covenants of this Agreement. Neither the Client nor ENVIRONMENTAL PARTNERS shall assign its interest in this Agreement without the written consent of the other.

Since ENVIRONMENTAL PARTNERS has no control over the cost of labor, materials, equipment or services furnished by others, or over the Contractor(s)' methods of determining prices, or over competitive bidding or market conditions, ENVIRONMENTAL PARTNERS' opinions of probable Project Cost and Construction Cost provided for herein are to be made on the basis of ENVIRONMENTAL PARTNERS' experience and qualifications and represent its

best judgement as experienced and qualified professional engineers, familiar with the construction industry; but ENVIRONMENTAL PARTNERS cannot and does not guarantee that proposals, bids or actual Project or Construction Cost will not vary from opinions of probable cost prepared by ENVIRONMENTAL PARTNERS.

This Agreement shall be governed by the laws of the Commonwealth of Massachusetts.

The obligation to provide further services under this Agreement may be terminated by either party upon seven (7) days written notice in the event of substantial failure by the other party to perform in accordance with the terms hereof through no fault of the terminating party. In the event of termination by the Client, ENVIRONMENTAL PARTNERS shall be paid its compensation for services performed to termination date. In addition, the Client may terminate this contract at its convenience upon 14 days written notice.

ENVIRONMENTAL PARTNERS shall, at its expense, obtain and maintain insurance which, in the judgement of ENVIRONMENTAL PARTNERS, is sufficient to protect itself from claims under workmen's compensation acts; claims or damages because of bodily injury including personal injury, sickness or disease, or death of any of its employees or of any person other than its employees; and from claims for damages because of injury to or destruction of tangible property including loss of use resulting therefrom; and from claims arising out of the performance of professional services caused by the negligent acts, errors or omissions of ENVIRONMENTAL PARTNERS. ENVIRONMENTAL PARTNERS will provide a Certificate of Insurance to the Client upon authorization of this Agreement.

This Agreement (consisting of pages 1 to 7, inclusive) constitutes the entire Agreement between the Client and ENVIRONMENTAL PARTNERS and supersedes all prior written or oral understandings. This Agreement may only be amended, supplemented, modified, or canceled by a duly executed written instrument.

No oral warranties, representations or statements shall be considered a part of this Agreement or a basis upon which the Client relied in entering into this Agreement. No statements, representations, warranties or understandings, unless contained herein, exist between Client and ENVIRONMENTAL PARTNERS.

In WITNESS WHEREOF, the parties hereto have caused this instrument to be executed.

CONTRACTOR

AWARDING AUTHORITY

Town of Provincetown  
by Its Board of Selectmen



Paul F. Gabriel, P.E., President

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

TOWN MANAGER

\_\_\_\_\_  
David Gardner

In accordance with M.G.L. Chapter 44, Section 31C, this is to certify that an appropriation in the amount of this contract is available therefor and that the Board of Selectmen has been authorized to execute the Contract and approve all requisitions and change orders.

By: \_\_\_\_\_

Dan Hoort  
Municipal Finance Officer

\_\_\_\_\_

Date

**Environmental Partners Group, Inc.**

**Billing Rates**

(Effective June 15, 2015 – June 15, 2016)

Annual escalation rate of 5% would apply in future years

<u>Category</u>	<u>Hourly Rate</u>
Principal	\$199
Director / Sr. Project Manager	\$189
Project Manager	\$165
Sr. Project Engineer / Sr. Project Scientist/Hydrogeologist GIS Specialist	\$145
Project Engineer/Scientist/GIS Specialist	\$120
Engineer	\$105
Hydrogeologist	\$100
Scientist / GIS Technician	\$85
Field Engineer / Technician	\$75
Resident Project Representative	\$100
Clerical	\$65



# GENERAL ENGINEERING SERVICES TASK ORDER #3

Environmental Partners  
Group, Inc.

1900 Crown Colony Drive  
Suite 402  
Quincy, MA 02169  
Phone: (617) 657-0200  
Fax (617) 657-0201

Owner: Town of Provincetown

Owner's Representative: Mr. Richard Waldo, P.E., Director of Public Works  
Veteran's Memorial Center  
2 Mayflower Street  
Provincetown, MA 02657

The following work is ordered by the Owner's Representative to be performed as a Task Order under the General Engineering Services contract between the Owner and Environmental Partners Group, Inc.:

TASK NAME: Bradford Street at Standish Street Intersection Improvements- Concept Development

## A. Scope of Services:

Environmental Partners will investigate safety and operations at the Bradford Street at Standish Street intersection in order to recommend improvements, establish alternatives and prepare a conceptual design on available aerial photography.

### 1. *Traffic Evaluations*

- a. Environmental Partners will research available pertinent information that may be available from the Town relative to the proposed project. This will include review of existing plans, traffic information, accident summaries or other documents.
- b. Environmental Partners will collect Turning Movement Count (TMC) data at the intersection during typical summer weekday morning peak hours (7:00 a.m. to 9:00 a.m.) and evening peak hours (4:00 a.m. to 6:00 p.m.). Mid-day weekday counts (11:00 a.m. to 1:00 p.m.) will also be performed. Counts will include pedestrian and bicycle volumes crossing at the intersection. This Scope of Services assumes the identified peak periods to be the critical times for evaluation; the performance of 24 hour Automatic Traffic Recorder (ATR) counts are not anticipated to be necessary to determine daily traffic volumes/fluctuations or 85<sup>th</sup> percentile vehicle speeds.
- c. A visual review of the project area will be conducted to identify deficiencies relative to vehicular, bicycle and pedestrian accommodations. Traffic circulation and operations will also be observed at the intersection during the above identified count periods.

- d. Accident data recorded with the Provincetown Police Department or MassDOT relative to the subject intersection will be reviewed and summarized for the five most recent years available. The crash rate at the location will be calculated for comparison with state and local district averages. Trends in accident type will be used to determine the roadway and intersection design deficiencies and reviewed for consideration when identifying appropriate improvements.
- e. The traffic data will be summarized and projected to reflect anticipated future growth to a design year of 2022 based on available data. Operations will be analyzed at the intersection under both current and future traffic volumes using Synchro software.
- f. Observations made of the existing circulation and safety deficiencies along with the operational analysis of existing and future peak hour traffic will be used to perform an Alternatives Analysis identifying potential improvements. Analysis of up to two (2) feasible alternatives is anticipated.
- g. The analysis, results and recommendations will be summarized in a brief Technical Memorandum.

## 2. Conceptual Design

- a. Up to two (2) alternatives resulting from the above Alternatives Analysis will be conceptually designed using available base plans, GIS or aerial photography with minimal impacts as practicable. Each alternative will be evaluated for advantages and disadvantages for presentation to the Town. An order-of-magnitude construction cost estimate will be prepared for each alternative for consideration. Accordingly, conducting a topographic survey, locating right of way, preparing engineered design, and preparing contract bid documents are not anticipated under this phase of work.
- b. The alternatives will be presented to representatives of the Town for selection of the preferred concept and consideration for project advancement into the following engineering design phase.
- c. Up to two (2) meetings are anticipated under this Task Order to solicit input from representatives of the town and/or present the proposed alternatives to the public.

B. Compensation:

The above Scope of Services is estimated at the lump sum fee of **\$18,500.00** based on the following Fee Schedule.

*Fee Schedule*

Observations	\$ 3,500
Traffic Evaluations	\$ 5,800
Conceptual Design/Meetings	<u>\$ 8,000</u>
<b>Subtotal</b>	<b>\$17,300</b>

Expenses:

Traffic Counts	\$ 750
Travel/Reproduction	<u>\$ 450</u>
<b>Subtotal</b>	<b>\$ 1,200</b>

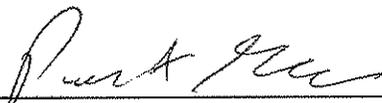
**TOTAL** **\$ 18,500**

C. Schedule:

Environmental Partners staff is available to complete the above work within one month of notice to proceed (assuming peak summer months).

Accepted by:  
ENVIRONMENTAL PARTNERS GROUP, INC.

Approved by:  
TOWN OF PROVINCETOWN

  
\_\_\_\_\_  
By: Paul F. Gabriel, P.E.  
President

\_\_\_\_\_  
By: Richard Waldo, P.E.  
Director of Public Works

6-9-15  
\_\_\_\_\_  
Date:

\_\_\_\_\_  
Date:



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

6F

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## MONTHLY POLICE REPORT FOR JUNE 2015

Requested by: Police Chief Jim Golden

Action sought: Discussion/Approval

### Proposed Motion(s)

**Discussion Dependent – votes may be taken.**

### Additional Information

Police Report attached.

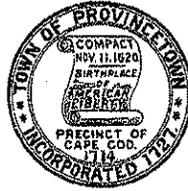
### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

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# Town of Provincetown

James F. Golden  
Chief of Police  
jgolden@provincetown-ma.gov



# Police Department

26 Shank Painter Road  
Provincetown, MA 02657  
Phone: (508) 487-1213  
Fax: (508) 487-4077  
www.provincetown-ma.gov

To Provincetown Board of Selectmen  
From Police Chief James Golden  
Subject: Police Operational Report  
Date: July 08, 2015 (June 2015)

## Activity Synopsis

Police activity (daily call volume, arrest and dispatch logs) are maintained and published weekly and archived on our website.

The following outlines recent police activity in brief:

During the period of Monday, June 1<sup>st</sup> through Tuesday, June 30<sup>th</sup>, 2015, the officers of the Provincetown Police Department handled 2,010 total calls for service.

Police responded to 5 domestic violence calls, 16 disturbances reported to police, 41 general complaints, 10 complaints about street performers, 51 citizen assists, 3 reports of threats, 10 reports of suspicious activity, 11 reports of harassment, 1 breaking and entering complaint, 3 calls reporting vandalism, 40 noise complaints, 3 reports of property being damaged and there were 10 larcenies reported. There was only 1 landlord-tenant dispute investigated and 15 general hazard calls reported to police.

There were 129 medical emergencies recorded this month. This month there was 1 dog to human bite reported with the requisite follow-up response and investigation made by our animal control officer.

Police officers also responded to 31 alarm calls and 11 reported fire alarms, along with 3 open doors during 548 building/property checks. Police officers conducted 23 checks of licensed liquor establishments and 62 park, walk and talks. Our officers were also called to provide assistance to the Truro Police on 10 occasions, 1 time each to assist the MAC/FAA, Division of Child and Family Services and the United States Coast Guard and 2 times to assist law enforcement rangers from the Cape Cod National Seashore.

117 items were reported lost or found to police this month which included personal items found such as keys, wallets, phones, phone chargers, bags, IDs and ATM and credit cards.

158 motorists were pulled over and 10 citations were issued (6.32%). There were 8 arrests this month as a result of motor vehicle stops. There were 38 miscellaneous motor vehicle related calls for the month. Police assisted with 18 disabled vehicles and 11 vehicles were reportedly damaged while parked.

Police officers started the month by assisting the DPW Department with removing illegal parking spaces that had been painted on the public road near the intersection of Pearl and Brewster Streets. The still unknown party added two additional spaces on the road increasing capacity from 2 spaces to 4 spaces. The perpetrators even supplied their own paint.

On Wednesday, June 3<sup>rd</sup>, our Provincetown IB World School first graders completed a learning module on local heroes and their jobs. They invited Police Officer Chris Landry to come and visit their class and talk with them about his job and about being safe.

On Thursday, June 4<sup>th</sup>, a team of volunteer Provincetown Police Officers came together to be the starting point for the Cape Cod leg of the Law Enforcement Torch Run a benefit for Special Olympics of Massachusetts. The event kicked off 5:00 AM with your officers carrying the ceremonial torch through the entire length of town and handed it off to members of the Truro Police Department 27 minutes later. This process would continue all-day officer-to-officer, town-by-town for the entire 66 mile course ending at the Bourne Police Department later that afternoon at approximately 5:00pm.

On Saturday, June 6<sup>th</sup>, the Provincetown Police Department's Honor Guard presented the colors for the playing of the national anthem before the Boston Red Sox game today versus the Oakland Athletics at Fenway Park in Boston.

On Friday, June 12<sup>th</sup>, Police Officer Jason Sullivan graduated from the 40-hour Basic School Resource Officer training course.

On Wednesday, June 17<sup>th</sup>, some of your police officers participated in the end of school year rite of passage know as Field Day.

On Tuesday, June 23<sup>rd</sup>, 10 community members graduated from the Provincetown Police Department Community Oriented Policing Citizens Police Academy. For the previous 8 weeks these dedicated residents attended class for 2-3 hours once a week, to learn from each other and to gain a better understanding of their police departments operations.

We are in the process of planning for a fall session. If you are interested in taking this class, please contact police officer Kevan Spoor at 508-487-7000 Extension 335 or via email at [kspoor@provincetown-ma.gov](mailto:kspoor@provincetown-ma.gov)

On Thursday, June 25<sup>th</sup> the 68<sup>th</sup> annual Portuguese Festival and Blessing of the Fleet made its 4 day run celebrating all things Portuguese--culture, dancing, music and of course, cuisine.

On Friday, June 26<sup>th</sup> a community celebration erupted when the landmark opinion was announced that the US Supreme Court ruled that same-sex couples can marry nationwide, establishing a new civil right. Our community came together in peace and love at a rally and celebratory march along Commercial Street. Leaving from the very footsteps where some of the very first legal marriages happened in Massachusetts back in May 2004.

On Saturday, June 27<sup>th</sup> your police officers were on duty with our hand-held radar unit helping the Provincetown Recreation with their successful fast ball "top-speed" contest at the annual kid's day field games as part of the Provincetown Portuguese Festival. Also on this date your police officers escorted the Portuguese Festival Parade along its approved parade route down Commercial Street.

As a reminder, as the weather gets warmer, humans and pets alike tend to get more active. For humans – that means we do a lot of "running around", driving from place to place to get our errands done. Please remember how dangerous the heat can be to your four legged passengers. Though it can be tempting to take our dogs with us for the ride – all of those stops will leave the dog sitting in the car waiting for you. And that wait can be more harmful than you think.

#### **70 Degrees & Above – Leave Your Dog at Home**

When temperatures outside reach 70 degrees, the temperature in your car rises to about 100 degrees. Even with the windows "cracked", your car turns into an oven.

As the temps rise throughout the summer, the danger grows:

70 degrees outside = 100 degrees in your car  
75 degrees outside = 110 degrees in your car  
80 degrees outside = 120 degrees in your car  
85 degrees outside = 130 degrees in your car  
90 degrees outside = 140 degrees in your car

If we are called to the scene of an animal in a hot vehicle and we feel that the animal is in danger we will do what is necessary to keep the animal safe and you could face criminal penalties.

So, if it's above 70 degrees, leave your dog at home.

Share this Warning to Keep Pets Safe this Summer!

There were more than 119 animal-related calls including 35 calls pertaining to dogs, 4 calls involving domestic cats, 25 calls about foxes, 8 calls about a turtle in the street, 1 call about an opossum, 1 call for a squirrel in a house, 8 calls about raccoons and/or baby raccoons, 8 calls about dead or injured coyotes. We also had 1 call to check on an injured seal on harbor beach. This matter was referred to IFAW. Also, the department investigated 8 reports of pets locked in parked vehicles. Two of the animals were removed and the owners were identified for follow-up by our animal control officer.

She also maintained contact with our partner agencies for animal welfare concerns and coordinated food donations for our on-going pet food pantry.

There were 21 arrests: NOTE

While 21 arrests were made this month, only 18 can be reported. The remaining information has been redacted from this report to comply with applicable state laws.

- Monday, June 1<sup>st</sup>, at 12:04 p.m., Whitney Hammons, 38, of Provincetown, MA, was arrested on a default warrant issued by the Mass Trial Court.
- Wednesday, June 3<sup>rd</sup>, at 1:42 a.m., Theodore Ellis, 21, of Barre, VT was arrested and charged with being unlicensed operator and marked lanes violations.
- Wednesday, June 3<sup>rd</sup>, at 11:42 p.m., Thomas Bennett, 55, of Brooklyn, NY, was arrested and charged with Operating a Motor Vehicle Under the Influence of Liquor, Operating a Motor Vehicle Negligently so as to Endanger and defective equipment.
- Friday, June 5<sup>th</sup>, at 12:08 a.m., Diane Kelley, 51, of Dorchester, MA, was arrested and charged with Operating a Motor Vehicle under the Influence of Liquor, and a lights violation.
- Saturday, June 6<sup>th</sup>, at 1:38 p.m., Joseph Dagnello, 26, of Provincetown, MA, was arrested and charged with Operating a Motor Vehicle Under the Influence of Liquor, Operating a Motor Vehicle Negligently so as to Endanger, marked lanes violation and failure to stop at a stop sign.
- Tuesday, June 9<sup>th</sup>, at 6:16 a.m., Bo Johnson, 45, of Provincetown, MA, was arrested and charged with Operating after suspension or revocation of license, No valid inspection sticker and license or registration not in possession.
- Tuesday, June 9<sup>th</sup>, at 9:56 a.m., Nicholas Archbold, 24, of Provincetown, MA, was arrested and charged with Sex Offender failing to register as required by law.

- **Wednesday, June 10<sup>th</sup>, at 1:52 a.m., John Caparella, 36, of Boston, MA, was arrested and charged with Operating a Motor Vehicle Under the Influence of Liquor, Operating a Motor Vehicle Negligently so as to Endanger and a lights violation.**
- **Friday, June 12<sup>th</sup>, at 6:06 p.m., Gary Call, 63, of Provincetown, MA, was arrested and charged with Possession of a Class A substance (heroin) with intent to distribute, Conspiracy to violate the drug law, 3 counts of Assault & Battery on a Police Officer, Assault with intent to kill, 3 counts of Assault & Battery with dangerous weapon, Possession of Class B & Class E substances, Possession with intent to distribute Class B substance, failure to stop at red light and failure to stop for police.**
- **Friday, June 12<sup>th</sup>, at 6:06 p.m., Joseph Drenel, 41, of Provincetown, MA, was arrested and charged with Possession of a Class A substance (heroin) with intent to distribute (subsequent offense), Conspiracy to violate the drug law, 3 counts of Assault & Battery on a Police Officer, Assault with intent to kill, 3 counts of Assault & Battery with dangerous weapon, Possession of Class B & Class E substances, Possession with intent to distribute Class B substance.**
- **Monday, June 15<sup>th</sup>, at 10:36 a.m., Christian Lapaz, 26, of Fall River, MA, was arrested and charged with Possession of a Class B substance, Possession of a Class B substance with intent to distribute and Conspiracy to violate the drug law.**
- **Thursday, June 18<sup>th</sup>, at 7:17 p.m., Klara Muller, 83, of Provincetown, MA, was arrested and charged with violating a Court issued Harassment Prevention Order.**
- **Saturday, June 20<sup>th</sup>, at 4:17 p.m., Derrick Spencer, 38, of Eastham, MA, was arrested on a straight warrant issued by the Mass Trial Court.**
- **Sunday, June 21<sup>st</sup>, at 1:25 a.m., Java Edey, 35, of Brewster, MA, was arrested and charged with Operating a Motor Vehicle Under the Influence of Liquor (2<sup>nd</sup> Offense), Operating a Motor Vehicle Negligently so as to Endanger, Speeding, Failure to Stop at a Stop Sign, Open Container of Alcohol in M/V and a lights violation.**
- **Thursday, June 25<sup>th</sup>, at 4:28 p.m., Ana Gordon, 34, of Randolph, MA, was arrested and charged with 2 counts of Larceny over \$250, 2 counts of Larceny over \$250 by single scheme and Shoplifting.**
- **Thursday, June 25<sup>th</sup>, at 4:28 p.m., Victoria Tatel, 33, of Randolph, MA, was arrested and charged with 2 counts of Larceny over \$250, 2 counts of Larceny over \$250 by single scheme and Shoplifting.**

- **Saturday, June 27<sup>th</sup>, at 8:01 p.m., Jason Yerby, 43, of Hyannis, MA, was arrested on a default and a straight warrant both issued by the Mass Trial Court.**
- **Sunday, June 28<sup>th</sup>, at 1:17 a.m., Kenneth Rose, 51, of New York, NY, was arrested and charged with Operating a Motor Vehicle Under the Influence of Liquor, Operating a Motor Vehicle Negligently so as to Endanger, Speeding, Marked lanes violation and failure to stop at a stop sign.**

**Please know that we received 21 reports of intoxicated persons and 13 people were detained for being incapacitated from alcohol.**

**10 Male**

**03 Female**

**There were 14 motor vehicle accidents reported during the month.**



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

7A

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**FALL SPECIAL TOWN MEETING & SPECIAL ELECTION**  
**Set Date for Special Town Meeting & Declare Special Town Election**

Requested by: Acting Town Manager David Gardner

Action Sought: Procedural/Approval

**Proposed Motion(s)**

**MOVE that the Board of Selectmen vote to hold a Special Town Meeting on Monday, October 26, 2015, at 6 P.M. at the Provincetown Town Hall.**

**MOVE that the Board of Selectmen vote to declare a Special Town Election to be held on Tuesday, October 27, 2015 for consideration of a proposition 2 ½ ballot question.**

**Additional Information**

See attached schedules.

**Board Action**

<i>Motion</i>	<i>Second</i>	<i>In favor</i>	<i>Opposed</i>	<i>Disposition</i>

**TIMETABLE: OCTOBER 26, 2015 SPECIAL TOWN MEETING**

<i>Activity</i>	<i>Date</i>	<i>Charter Reference</i>
SELECTMEN vote to OPEN the warrant for the Special Town Meeting forthwith and CLOSE it on Friday, September 25, 2015, at 11 AM	VOTE: Monday, August 24, 2014 Regular Meeting	<i>Charter §2-3-2</i>
SELECTMEN APPROVE ARTICLES AND VOTE TO INSERT THEM FORTHWITH	<u>September 21, 2015</u> at a Special Meeting.	
<b>Special Town Meeting Warrant closes</b>	<b>Friday, September 25, 2015 at 11 AM</b>	<i>30 days prior to date of town meeting, per Charter §2-1-7</i>
SELECTMEN approve the Warrant for publication	Monday, September 28, 2015 Regular Meeting	
Special Town Meeting warrant is posted and published in the newspaper	Thursday, October 8, 2015	<i>at least 14 days prior to town meeting, per Charter §2-1-7</i>
Notice is published of PLANNING BOARD, BOARD OF HEALTH, CHARTER ENFORCEMENT COMMISSION, and CONSERVATION COMMISSION public hearings on petitioned articles	Thursdays, September 24 and October 1, 2012	
BOARD OF SELECTMEN mails copies of the warrants to Town Moderator, Town Counsel, and Town boards	Friday, October 9, 2011	<i>at least 14 days prior to town meeting, per Charter §2-1-8</i>
SELECTMEN vote their recommendations	Tuesday, October 13, 2015 Regular Meeting	<i>Charter §2-3-11</i>
FINANCE COMMITTEE reviews articles	Months of September and October 2015	<i>Charter §2-3-10</i>
FINANCE COMMITTEE public hearing on Warrant Articles	TBD	<i>Charter §9-2-4 and By-laws §5-2-1</i>
PLANNING BOARD, BOARD OF HEALTH, CHARTER ENFORCEMENT COMMISSION, and CONSERVATION COMMISSION, conduct hearings as necessary on petitioned articles	October 8-19, 2015	<i>Charter §§2-2-1 to 2-2-4</i>
Copies of FINANCE COMMITTEE report made available at Town Hall	Monday, October 19, 2015	<i>at least 7 days prior to town meeting, per Charter §2-1-9</i>
<b>SPECIAL TOWN MEETING at Town Hall</b>	<b>Monday, October 26, 2015 @ 6 p.m.</b>	<b><i>Charter §2-3-2</i></b>



# **Town of Provincetown Town Clerk**

**Direct Line 508-487-7013**

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To: David Gardner, Acting Town Manager

From: Doug Johnstone, Town Clerk

Date: May 28, 2015

Re: October Special Town Election Schedule

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The following schedule is based on a special election to occur on **Tuesday, October 27, 2015** for the purposes of providing ballot questions to voters, with no candidates/vacancies to fill:

Tasks	Legal reference	Number of days required before Election	Deadline Based On an October 27, 2015 Special Election
Last Day to Submit Ballot Questions	G.L.c.54§42c	35 days before election	Tuesday, September 22, 2015
Last Day to Register to Vote	G.L.c.51§26,28	20 days before election	Wednesday, October 7, 2015
Last Day to Publish Warrant	G.L.c.39§10	7 days before election	Tuesday, October 20, 2015
Special Election			Tuesday, October 27, 2015



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

7B

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## TOWN MANAGER SEARCH MATTERS

Requested by: Acting Town Manager David Gardner

Action Sought: Discussion

Proposed Motion(s)

**Discussion Dependent – votes may be taken.**

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

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Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

7C

## OTHER

Requested by: Acting Town Manager David Gardner

Action Sought: Discussion

Proposed Motion(s)

**Discussion Dependent – votes may be taken.**

Additional Information

Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

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## MINUTES OF BOARD OF SELECTMEN'S MEETINGS

Requested by: BOS Secretary

Action Sought: Approval

### Proposed Motion(s)

**Move that the Board of Selectmen approve the minutes of:**

***March 30, 2015 (Special) [ ] as printed [ ] with changes so noted***

### Additional Information

See attached minutes.

### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>

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**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN  
SPECIAL MEETING MINUTES  
MONDAY, MARCH 30, 2015 5:00 PM  
TOWN HALL – JUDGE WELSH ROOM  
DRAFT – EDITED**

Chairman Donegan convened the meeting at 5:00PM noting the following:

Board of Selectmen attending: Tom Donegan, Erik Yingling, Robert Anthony, Cheryl Andrews, and Raphael Richter.

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

Recorder: Loretta Dougherty

**1. Approval of Ballot Questions(s) for May 2015 Annual Town Election. Votes may be taken.**

**Tom** stated that the BOS has been asked to look at the FinCom's rewording of their 2 ½ override taking it from \$2.5 million to \$500,000 and the correction of two typos.

**David** asked Dan to do a brief recap of what happened at the FinCom meeting.

**Dan** stated that FinCom voted to change the \$2.5 million to \$500,000 in the ballot question which would allow us to assess an additional amount of money in real estate and personal property taxes for the purpose of creating year-round rental housing in the Town for the fiscal year beginning July 1, 2015. The BOS had voted to insert at \$2.5. FinCom is asking the BOS to vote to change that amount. The other option which FinCom would like to see is to have the two 3% surcharges on the ballot question if the Modified Community Preservation Act went forward. It will remain at one 3% surcharge, if the BOS does not want any change.

**David** reminded them they had recommended the one 3% surcharge.

**Tom** asked if anyone wants to change their vote.

**Raphael** asked Erik if he wants to reconsider his vote.

**Erik** really did not want to reconsider it.

**Cheryl** noted that the only thing in front of the BOS tonight is the ballot questions. She asked if we could not have both of these options on the ballot; she thought we could.

**David** thinks that would be really confusing for the voters.

**Cheryl** thought we were going to let Town Meeting tell us which one they wanted.

**Erik** asked about the original vote.

**Raphael** commented that the actual vote on the article was 3/2/0. On the ballot question, we voted to put the one 3% surcharge only. He asked Erik if he would reconsider for the two 3% surcharges that would have a better and more meaningful financial impact in the long run.

Raphael, Tom and Erik said they will vote yes.

**Cheryl** again stated that she thought we were going to put both of these options on the ballot and let Town Meeting make the decision and wanted to know if this is not what we are doing.

**Tom** stated that we had originally decided that this would effectively be a tax cut and end of the Land Bank and transfer the funds into the Modified CPA. He now would like to have an actual revenue stream into the CPA and would like to have Option #2 inserted

**MOTION: Move that the BOS insert Option #2 into the ballot.**

**Motion:** Tom Donegan

**Seconded:** Raphael Richter

**3/2/0 (CA/RA)**

**Erik** wanted to know if FinCom had changed any of their recommendations.

**Dan** stated that they have not changed their plans. They are looking at making a recommendation by reducing Public Safety by \$200,000 or somewhere in that area. Both the DOR and Town Counsel have given opinions that this should not be done in that manner but cuts should be made by depart-

ment line items shown in the warrant. He expects that FinCom will bring forward line item cuts within that budget.

**Tom** said he heard that FinCom will use the 10 yr. spending plan to reduce all the departments; Public Safety, the Pier, Police, Community Development. All of these are above the 10 yr. spending plan and this is what they will be using as their baseline.

**Dan** said that FinCom is using the 10 yr. spending plan and will not recommend increasing budgets above what is in the plan; even though we did not officially vote and adopt the 10 yr. plan.

**Cheryl** commented that this is not the first time this has happened.

**Tom** asked if there was to be a vote on ballot question #1.

**Erik** asked when there was going to be a dollar amount on these ballot questions.

**Dan** said that we would not know any dollar amounts until Town Meeting votes as to what will be put on the actual ballot.

**Tom** commented that this is another reason that we should have the Town Meeting before the ballot questions are finalized instead of before Town Meeting. He asked if there was an objection to ballot question1.

**Erik** asked David if we hadn't already inserted this question.

**David** said that we have already inserted the ballot questions but we have two potential changes tonight as recommended by the Finance Committee and to correct two typos. The two are the Housing question and the CPA question. Does the BOS want to amend the ballot questions?

**Dan** commented that Winslow should not be on the ballot.

**Cheryl** asked Dan if these appear the way he wants them to appear.

Dan stated Winslow should not be on the ballot because it will be paid for out of Capital funds.

**MOTION: Move that the BOS rescind the vote on ballot question 1, so called.**

**Motion:** Raphael Richter

**Seconded:** Erik Yingling

5/0/0

**MOTION: Move that the BOS insert ballot questions 4, 5, and 6, so called in this packet.**

**Motion:** Raphael Richter

**Seconded:** Cheryl Andrews

5/0/0

**Dan** clarified that #4 is the Pier Floating Docks; #5 is the Capital Improvements on the Pier, and #6 is the Override for \$500,000.

**Cheryl** confirmed that was correct.

**Tom** asked Town Clerk Doug Johnstone how we would change the process so we would do this after Town Meeting.

**Doug** stated that the Charter Review Committee is working on this.

**Tom** wanted to know what the state law was regarding the length of time needed to place something on the ballot.

**Doug** stated that he needs the ballot questions 35 days prior to the election.

**Tom** asked if this is traditional in towns or is this Provincetown's uniqueness.

**Doug** stated that it is just the amount of time between the election and Town Meeting. Charter Review we can look at changing the dates of the Town Meeting.

**Tom** commented that hopefully Charter Review will come back next year and do it.

**Doug** stated that you don't want to wait until it is a large issue. It is a Charter change.

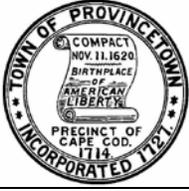
**Dan** noted that the BOS have inserted four questions into the ballot and that is what was needed.

#### 4. Other

None

Without objection the meeting was adjourned at 5:19 pm.

Minutes transcribed by: Loretta Dougherty



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015

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## CLOSING SELECTMENS STATEMENTS

### Administrative Updates

Requested by: Acting Town Manager David Gardner

Action Sought: Discussion

#### Proposed Motion(s)

**Motions may be made and votes may be taken.**

**Raphael Richter**

**Erik Yingling**

**Cheryl Andrews**

**Robert Anthony**

**Tom Donegan**

#### Additional Information

- A. Letter to Elaine Anderson.
- B. Thank you letter to Louise Silver.

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>



## *Board of Selectmen*

Town Hall, 260 Commercial Street  
Provincetown, Massachusetts 02657  
Telephone (508) 487-7003  
Facsimile (508) 487-9560

July 7, 2015

Ms. Louise Silver  
586 Commercial Street, #1  
Provincetown, MA 02657

Dear Louise,

The Board of Selectmen has received notice that you do not wish to be reappointed to the Community Housing Council. We would like to thank you for your dedicated service and expertise during the time that you have served on the council.

We wish you the very best in your future endeavors and would not be disappointed should time and circumstances permit you to once again serve on any of our town boards or committees in the future.

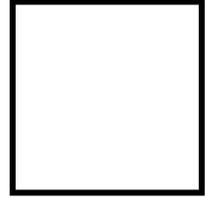
On behalf of the Board of Selectmen,

Tom Donegan, Chairman  
Board of Selectmen

TD:ld



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 13, 2015



## EXECUTIVE SESSION MOTION

### MGL c30A Sec. 21 (a) Clauses 2 & 6

Requested by: Board of Selectmen

Action Sought: Discussion

#### Proposed Motion(s)

**MOVE that the Board of Selectmen vote to go into Executive Session pursuant to MGL c30A Section 21 (a) Clauses 2 & 6 for the purposes of:**

Clause 2 – To conduct strategy sessions in preparation for negotiations with non-union personnel or to conduct collective bargaining sessions or contract negotiations with non-union personnel. Police Chief Contract Negotiations. Votes may be taken.

Clause 6 – To consider the purchase of, exchange, lease or value of real estate, if the chair declares that an open meeting may have a detrimental effect on the negotiating position of the public body. Potential Sale of Property located at 311 Bradford Street. Votes may be taken.

and not to convene in open session thereafter.

**Roll Call Vote:** Tom Donegan:  
Erik Yingling:  
Cheryl Andrews:  
Raphael Richter:  
Robert Anthony:

#### Additional Information

#### Board Action

<i>Motion</i>	<i>Second</i>	<i>Yea</i>	<i>Nay</i>	<i>Abstain</i>	<i>Disposition</i>