



# Meeting Agenda

**The Provincetown Board of Selectmen will hold a public meeting on Monday, July 11, 2016, at 6:00 p.m. in the Judge Welsh Room at Town Hall located at 260 Commercial Street, Provincetown, MA 02657.**

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

- A. *Treasurer's Transfer - Recycling and Renewable Energy Gift Fund – pay an invoice to Andrea Tasha & Rachel Harrington, for 100 reusable tote bags, in the amount of \$300.*
- B. *Year End Budget Transfers – Interim Finance Director Ruth Lewis.*

1. Public Hearings - Votes may be taken on the following items:
  - A. Harborfront Shuttle Tours Appeal – appeal at the request of Timothy Downey of a decision to declare null and void the Municipal Street License issued to Harborfront Shuttle Tours on June 11, 2012, for failure to obtain the required certificate of public convenience and necessity and other necessary permits and licenses within the prescribed time frame established in M.G.L. c.159A §4.
  - B. Curb Cut Application submitted by Ann & Zyg Plater to move their existing parking area located at 197 Bradford Street, Provincetown, MA 02657 eastward +/- 20 feet to allow for a useable garden area.
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: None.
5. Appointments - Votes may be taken on the following items: None.
6. Requests - Votes may be taken on the following items:
  - A. Discussion and possible votes relating to setting a goal and merit structure for the Town Manager – Chairman Raphael W. Richter.
  - B. Review and discussion of Town Business Calendar – Town Manager David B. Panagore.
  - C. Review and discussion of E-Mail Policy for Appointed and Elected Town Officials – Town Manager David B. Panagore.
  - D. Approval to execute a grant in the amount of \$443,312.00 from the Federal Aviation Administration for the replacement of the runway lighting system for the Provincetown Municipal Airport.
  - E. Approve draft of letter to Congressman William R. Keating requesting support of the Town of Chatham's request for a legislative remedy to reverse the U.S. Fish & Wildlife Service's unsubstantiated claim over the open waters & seabed to the west of Monomoy National Wildlife Refuge.
7. Town Manager / Assistant Town Manager - Votes may be taken on the following items:
  - A. Town Manager's Report – Administrative Updates.
  - B. Others – Other matters that may legally come before the Board not reasonably anticipated by the Chair 48 hours before the meeting. 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. Thank you letter to Mark Boucher who resigned from the Beautification Committee on July 5, 2016.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 11, 2016

00

## CONSENT AGENDA

Approval required for the following items:

Requested by: BOS Chair Raphael W. Richter

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 - Recycling and Renewable Energy Gift Fund – pay an invoice to Andrea Tasha & Rachel Harrington, for 100 reusable tote bags, in the amount of \$300.*
- B. *Year End Budget Transfers – Interim Finance Director Ruth Lewis.*

### 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 11, 2016

00A

## TREASURER'S TRANSFERS

### Recycling and Renewable Energy Gift Fund

Requested by: John O'Buck, Treasurer

Action Sought: **Approval**

#### Proposed Motion(s)

**MOVE that the Board of Selectmen vote, as Commissioners of the Recycling and Renewable Energy Gift Fund – (#1136), pursuant to MGL C44 § 53A, to approve the use of the funds to pay \$300.00 for the attached invoice from Andrea Tasha and Rachel Harrington.**

#### Additional Information

This Motion will allow the Town Treasurer to transfer money from the Recycling and Renewable Energy Gift Fund – (#1136) to pay for 100 tote bags purchased on 06/22/2016 . The Recycling and Renewable Energy Gift Fund will have a balance of \$476.90 in the expendable account after this invoice is paid.

#### 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 11, 2016  
To: Provincetown Treasurer  
From: Board of Selectmen

As Commissioners of the Recycling and Renewable Energy Gift Fund – (#1136), permission is hereby granted to you, the Treasurer of the Town of Provincetown, to approve the use of the Gift Fund (#1136), for the payment of \$300.00 for 100 tote bags purchased on 06/22/2016.

The Honorable Board of Selectmen:

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Raphael Richter, Chair

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Erik Yingling, Vice Chair

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Cheryl Andrews, Selectman

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Tom Donegan, Selectman

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Robert Anthony, Selectman



Provincetown Recycling and Renewable Energy Committee  
Minutes of meeting 6/22/16  
Caucus Hall

Meeting called to order at 10:10am.

Members present -- Lydia Hamnquist, Jen Rumpza, Elise Cozzi

Members excused: Laura Ludwig

Staff: Eric Larsen

- 1) Minutes – Lydia moved to approve the minutes from 6/15/16, Jen seconded and all were in favor.
- 2) Jen brought receipt from Artists Loft for reimbursement certificates she gave the artists for their supplies. Lydia brought receipt for copies of brochures made that she brought to condo renters, guest houses, etc. Also, many of the copies went into the abandoned green “map container” across from the Post Office.
- 3) Rachel Harrington has done 100 more reusable bags for us and Lydia is waiting for the invoice which should be \$300. Lydia moved to approve the amount of her invoice from our gift fund. Elise seconded and all were in favor.
- 4) Eric told us that the second water station is being installed as we speak. Morgan Clark had asked Lydia to write a short paragraph about the achievements of the DPW and she had Eric proof read it. Also, Eric said there is still no contract with recycling facility. Shipping fees may be increasing. The new recycling bins have increased the volume of recyclable items. ICE-energy company did a tour of several town buildings and will give us specs about cheaper air conditioning systems.
- 5) Jen wants us to concentrate more on convincing restaurants to increasing their recycling.

Elise moved to adjourn, Jen seconded and all were in favor.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 11, 2016

00B

## YEAR END BUDGET TRANSFERS

Requested by: Interim Finance Director Ruth Lewis

Action Sought: Approval

### Proposed Motion(s)

**MOVE that the Board of Selectmen vote to approve the year-end budget transfers recommended by Interim Finance Director Ruth Lewis, [as presented] [as revised].**

### 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:** Ruth Lewis, Interim Finance Director  
David Panagore, Town Manager

**Date:** July 8, 2016

**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:

\$256 from Department 122 Board of Selectmen 'B' budget  
\$700 from Department 136 MIS 'B' budget  
\$3,800 from Department 141 Board of Assessors 'B' budget  
\$1,091 from Department 171 Conservation Commission 'A' budget  
\$2,915 from Department 421 DPW Admin "B" budget  
\$11,362 from Department 431 Solid Waste 'A' budget  
\$316 from Department 161 Town Clerk 'B' budget  
\$5,819 from Department 190 Bldg & Grounds 'A' budget  
\$195 from Department 512 Public Health Nurse 'B' budget

Transfer to:

\$256 to Department 122 Board of Selectmen 'A' budget  
\$700 to Department 136 MIS 'A' budget  
\$3,800 to Department 141 Board of Assessors 'A' budget  
\$1,091 to Department 171 Conservation Commission 'B' budget  
\$2,915 to Department 421 DPW Admin 'A' budget  
\$11,362 to Department 431 Solid Waste 'B' budget  
\$316 to Department 179 Historical Commission  
\$5,819 to Department 191 Bldg & Grounds 'B' budget  
\$195 to Department 513 Board of Health 'B' budget

\$2,915 to Department 421 DPW Admin 'A' budget  
\$11,362 to Department 431 Solid Waste 'B' budget  
\$316 to Department 179 Historical Commission  
\$5,819 to Department 191 Bldg & Grounds 'B' budget  
\$195 to Department 513 Board of Health 'B' budget

**Details:**

\$256 to Department 122 Board of Selectmen 'A' budget  
The transfer covers the cost of overtime and 27<sup>th</sup> payroll

\$700 to Department 136 MIS 'A' budget  
Longevity payment not budgeted.

\$3,800 to Department 141 Board of Assessors 'A' budget

\$1,091 to Department 171 Conservation Commission 'B' budget

\$2,915 to Department 421 DPW Admin 'A' budget

\$11,362 to Department 431 Solid Waste 'B' budget

\$316 to Department 179 Historical Commission

\$5,819 to Department 191 Bldg & Grounds 'B' budget

\$195 to Department 513 Board of Health 'B' budget



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 11, 2016

1A

## HARBORFRONT SHUTTLE

### Appeal of Decision

Requested by: Town Manager David B. Panagore

Action sought: Discussion/Approval

#### Proposed Motion(s)

Move that the Board vote to affirm its May 23, 2016 decision to declare the Municipal Street License issued to Harborfront Shuttle Tours null and void as a result of the license holder's failure to comply with the requirements of Massachusetts General Laws, Chapter 159A, section 4, insofar as the license holder failed to obtain a certificate of public convenience and necessity from the Massachusetts Department of Telecommunications and Energy, now known as the Department of Public Utilities, within three years of issuance of the license; and further that the former license holder be ordered to remove the ticket booth from the Ryder Street Extension within \_\_\_\_\_ days of this vote and if the ticket booth is not removed within said \_\_\_\_\_ days, that the Town will remove and dispose of the ticket booth without further notice to the former license holder and at his expense.

or

Move that the Board of Selectmen vote to reverse the decision of May 23, 2016.

#### Additional Information

See attached background materials.

#### Board Action

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



## Board of Selectmen

# Public Hearing

### Show Cause Hearing

The Board of Selectmen will hold a public hearing on **Monday, July 11, 2016 at 6:00 pm** in the Judge Welsh Room, Town Hall, 260 Commercial Street, Provincetown, MA 02657 to consider an appeal at the request of Timothy Downey of a decision to declare null and void the Municipal Street License issued to Harborfront Shuttle Tours on June 11, 2012, for failure to obtain the required certificate of public convenience and necessity and other necessary permits and licenses within the prescribed time frame established in M.G.L. c. 159A s. 4.

Comments may be submitted in writing to the Office of the Board of Selectmen, 260 Commercial Street, Provincetown, MA 02657 or [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov) by Tuesday, July 5, 2016, or in person at the hearing.

*Raphael Richter*  
Chairman, Board of Selectmen

Posted: [www.provincetown-ma.gov](http://www.provincetown-ma.gov), 6/14/16 1:20 pm dv  
Published: Banner: June 23, 2016 and June 30, 2016

Dear Selectmen,

I am requesting a hearing  
on my shuttle and information  
booth.

Sincerely,

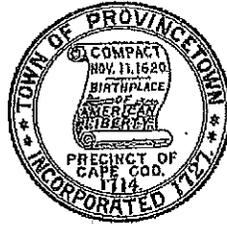
Tim Downey  
508-237-6444

RECEIVED  
BOS - ~~Veter~~ 7c

JUN 08 2016

CC: BOS/TM/ATM

*Town of Provincetown*



Town Hall, 260 Commercial Street  
Provincetown, Massachusetts 02657  
Facsimile (508) 487-9560  
Telephone (508) 487-7000

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 23, 2016

Timothy Downey  
6 Tiny's Way  
Provincetown, MA 02657

RE: HARBORFRONT SHUTTLE TOURS

Dear Mr. Downey,

You were granted permission from the Board of Selectmen to operate the Harborfront Shuttle Tours on June 11, 2012.

Pursuant to M.G.L. c. 159A, s. 4, the Municipal Street License requires that the holder of such a license obtain a certificate of public convenience and necessity from the Massachusetts Department of Telecommunications and Energy (now known as the Department of Public Utilities) within three years of issuance of the license, and the statute further provides that the license shall be deemed null and void if such certificate is not obtained within said three years. In this matter, the license at issue was first issued on June 11, 2012, more than three years ago.

To date you have been unable to secure the necessary certificate and other permits and approvals needed to operate your shuttle business. We have been in contact with you several times over the last four years and have been understanding and patient with your difficult process. You were given until April 22, 2016 to obtain all required State and Local approvals and you have failed to do so.

We have also been contacted by the Cape Cod Regional Transit Authority who is requesting that you remove your ticket booth from the Ryder Street Extension location due to the close proximity to the bus shelter. The Town's Beautification Committee has also requested that the Town Manager take action to remove the underutilized booth from town property.

Therefore, the Board of Selectmen hereby declares your Municipal Street License null and void by operation of law, and further that your permission to use the Town's property for the ticket booth is revoked. You are further ordered to remove the ticket

booth within ten days of your receipt of this letter or the booth will be removed by the Town at your expense.

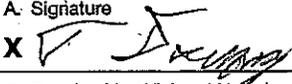
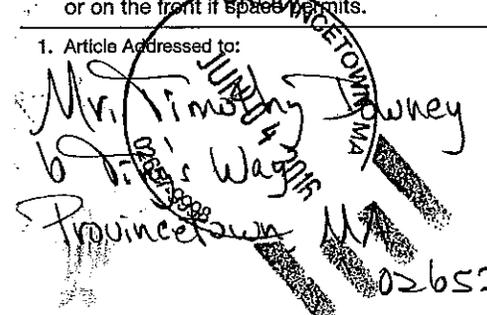
If you are aggrieved by this decision, you may request a hearing before the Board by filing a written request for hearing within five business days after receipt of this letter.

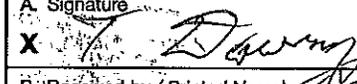
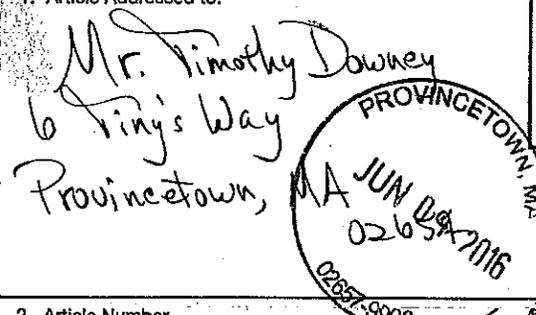
Sincerely,

A handwritten signature in black ink, appearing to read 'Erik Yingling', with a long, sweeping horizontal line extending to the right.

Erik Yingling  
Vice Chair,  
Board of Selectmen

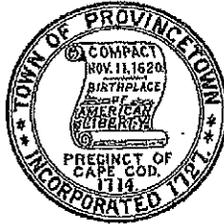
Cc: Massachusetts Department of Public Utilities

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <input checked="" type="checkbox"/>  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  Mr. Timothy Downey 6 King's Way Provincetown, MA 02657		B. Received by (Printed Name) _____ C. Date of Delivery _____	
2. Article Number (Transfer from sender) 7007 0220 0001 5460 5384		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No 	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete Items 1, 2, and 3. Also complete Item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <input checked="" type="checkbox"/>  <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:  Mr. Timothy Downey 6 King's Way Provincetown, MA 02657		B. Received by (Printed Name) _____ C. Date of Delivery _____	
2. Article Number (Transfer from sender) 7007 0220 0001 5460 5391		D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input checked="" type="checkbox"/> No 	
PS Form 3811, February 2004		Domestic Return Receipt	
		102595-02-M-1540	

5

Town of Provincetown



Town Hall, 260 Commercial Street  
Provincetown, Massachusetts 02657  
Facsimile (508) 487-9560  
Telephone (508) 487-7000

June 19

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

May 23, 2016

Timothy Downey  
6 Tiny's Way  
Provincetown, MA 02657

RE: LANDSQUARES, TOWN MAP DISTRIBUTION BOXES

Dear Mr. Downey,

You were granted permission from the Board of Selectmen to locate your map distribution boxes with the public way on April 21, 2009. The Selectmen placed the following conditions on your approval:

***MOTION:** Move that the Board of Selectmen vote to grant permission to Tim Downey, dba LandSquares, of Provincetown, MA, to place distribution boxes, commonly referred to as "newsracks," for free maps of Provincetown on Town Property at the locations specified on attachment "A" (as amended) with the following restrictions: (a) placement at each location within the public right-of-way be approved by the Town; (b) contact information shall be available on each rack indicating racks provided by LandSquares, and (c) any rack that becomes damaged, graffiti, or in disrepair will be removed immediately; (d) the maps gets replenished on a regular basis; and e) obtain a transient vendor license.*

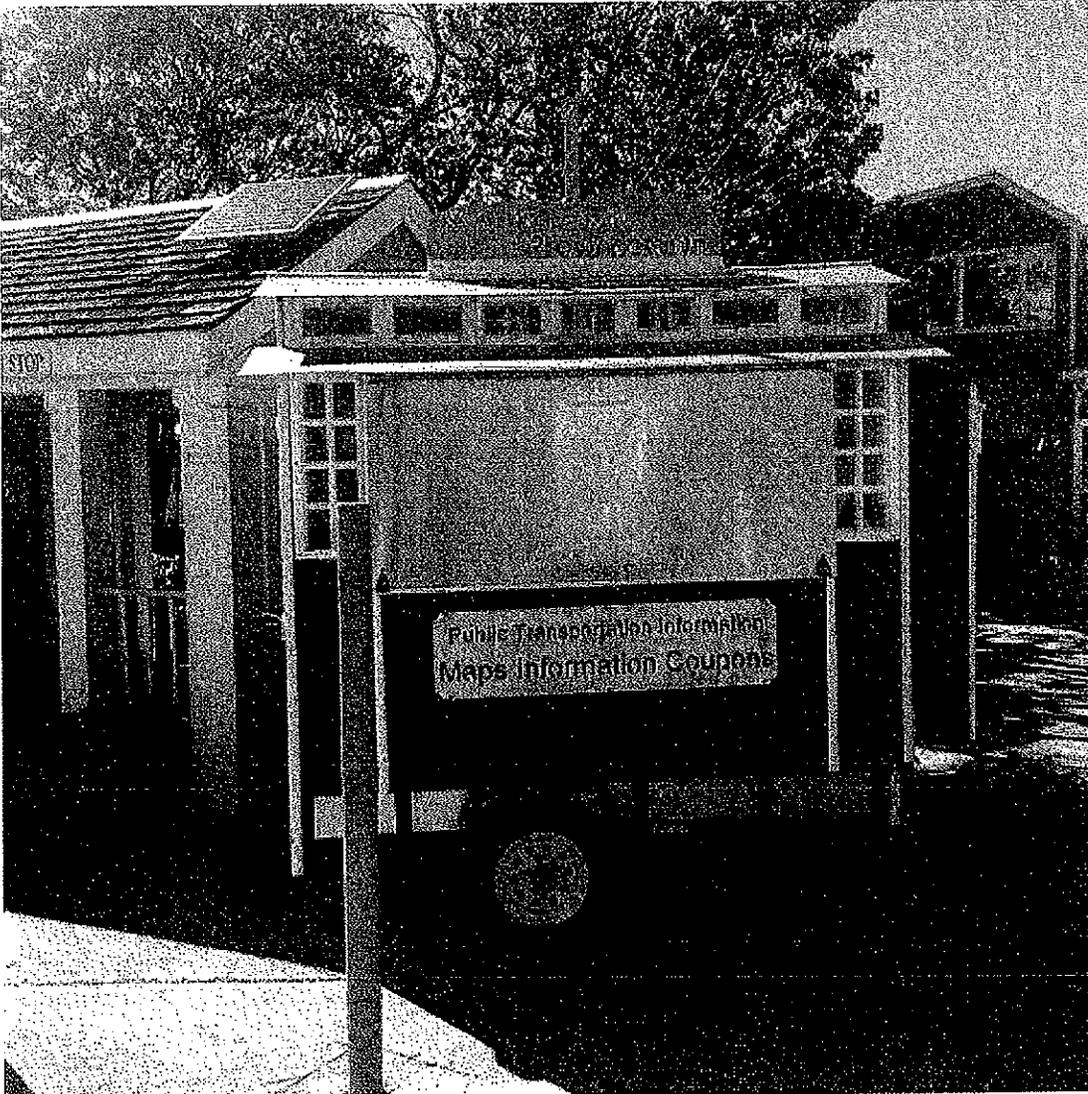
You failed to obtain the necessary transient vendor license for the 2015 season. To date, you have not obtained the necessary transient vendor license for the current 2016 season, yet the map distribution boxes are currently located within the public way. Furthermore, the boxes have not been replenished with maps on a regular basis.

Therefore, the Board of Selectmen hereby declares that your approval to locate the distribution boxes within the public way will be automatically revoked within 14 days of receipt of this letter if you do not obtain the necessary permit and pay all required fees due to the town. If your license is revoked, then you will be ordered to removal all distribution boxes from the public way within ten days of the date of your revocation.

Sincerely,

  
Erik Yingling  
Vice Chair,  
Board of Selectmen

Cc: Provincetown Licensing Board



**Summary of minutes from June 11, 2012 Public hearing**

**1A HARBORFRONT SHUTTLE TOURS**

Request for Municipal Street License

Selectman Elaine Anderson read the public hearing into the record.

Attendees: Applicant Timothy J. Downey

In addition to the agenda material Mr. Downey presented a letter from the Cape Cod National Transit Authority authorizing him to utilize one of the spots at Ryder Street Extension Parking Lot. Service will start at the Ryder St Extension bus terminal, down Commercial to West end, back up Bradford St to Howland, and loops back down Commercial St.

Mr. Downey also explained that although shuttle is purposely designed as a handicap tram shuttle it can be used by everyone.

Elaine Anderson read a letter from the Cape Cod Regional Transit Authority letter into the record (See attachment #1).

Disability Commission voted 5-0-0 in favor of this proposal at their March 15, 2012 meeting.

### **Public Comments**

Cathy Taylor, Assistant Director, Cape Organization for Rights of the Disabled (CORD), Hyannis, MA – supports increase access for handicapped.

Raphael Richter – Supports in theory, however, he thinks that a minimum cost structure should be established so as not to compete with taxis.

Michael Rogovsky - Thinks it is a great idea.

### **Selectmen's Comments**

Elaine Anderson - Do you have a set fare in mind or using passes? Can they get on and off at any location? Answer - \$3 for handicapped, and will work out a cost that will be appropriate for everyone but he has not come up with any definite prices as of yet. He is also looking at all day passes.

Any special training for drivers? Answer: Yes, they all have to be trained.  
Any liability insurance? Yes - \$5 million. Hours of operation? - 9 AM to 7:30 PM.

David McChesney – When you did your business plan, did you not have your rates in mind? Answer: Originally it was going to be \$5, but then you have to think of day passes. David -Assuming that you get approval tonight. When do you plan to start? Answer: Around the Blessing of the Fleet.

Erik Yingling – How late in the season do you plan to run? Answer – Until Labor Day.

John Santos – Can people get on and off at any point? Answer: Main loading point will be downtown. John Santos - I've always wanted to see a shuttle service in Provincetown. Would you look at going down Shank Painter Road, along Jerome Smith, and then down Alden Street? Answer: I was trying not to bite off too much at the beginning. We'll take a look at other routes in the future.

Tim Downey - Cost structure has not been determined as of yet. Training is required for all drivers. Liability insurance is provided. Shuttle will be ordered tomorrow. Hours will be determined, approximately 9 AM to 7 PM, and will run during the peak season May to October. Tram has speakers down the center of the tram. Licensing provided by Cape Cod Regional Transit Authority.

**MOTION:** *Move that the Board of Selectmen vote to approve the request of Timothy J. Downey, owner of Harborfront Shuttle Tours, Provincetown, MA for a Municipal Street License to operate a handicap motor vehicle tram shuttle tour in the Town of Provincetown; and to pay annual fee of \$1,000.00 and no more than a 5 minute stop at each location, and all drivers are certified.*

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

**Summary of minutes from the April 22, 2013 public meeting**

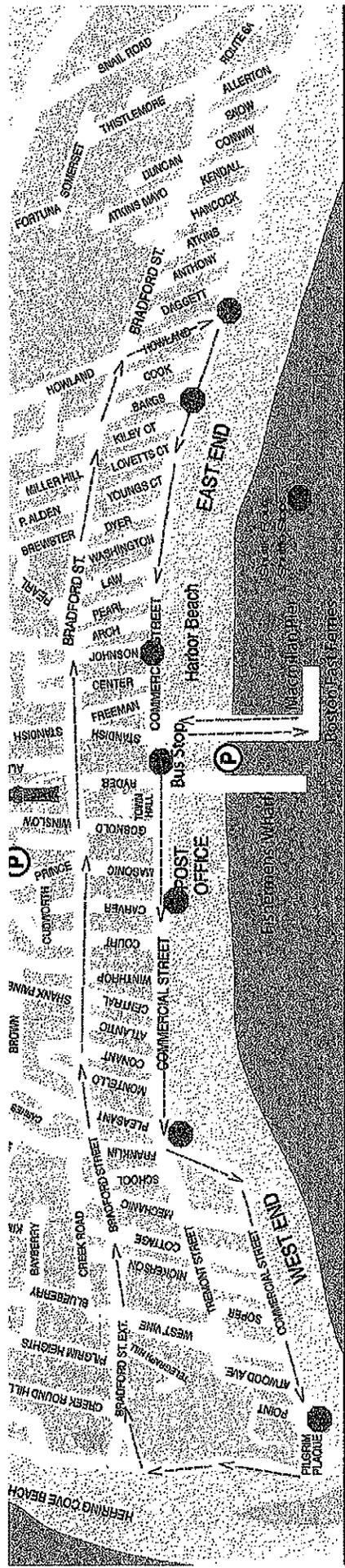
**5E    HARBORFRONT SHUTTLE TOURS**

Request for Transformation Information Booth - Mr. Timothy Downey

Mr. Downey reviewed the material submitted and asked for the Board of Selectmen's approval. Related material along with support letters from the Cape Cod Regional Transit Authority and the Provincetown Disability Commission attached to agenda item.

**MOTION:** *Move that the Board of Selectmen vote to approve the request of Timothy J. Downey, owner of Harborfront Shuttle Tours, Provincetown, MA to create and operate a Transportation Information Booth in the area beside the existing Bus Shelter at the Ryder Street Extension Bus Terminal.*

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

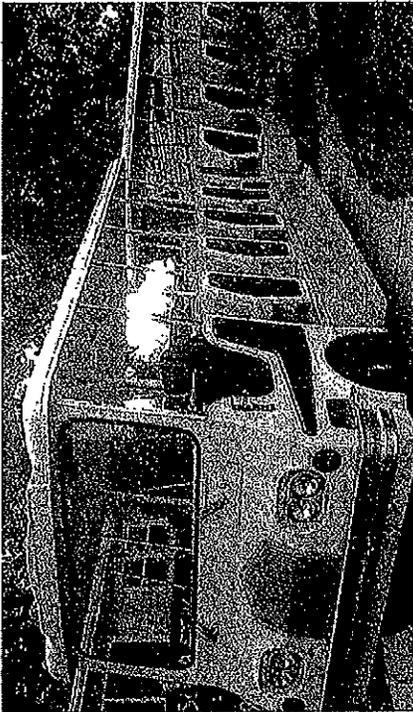
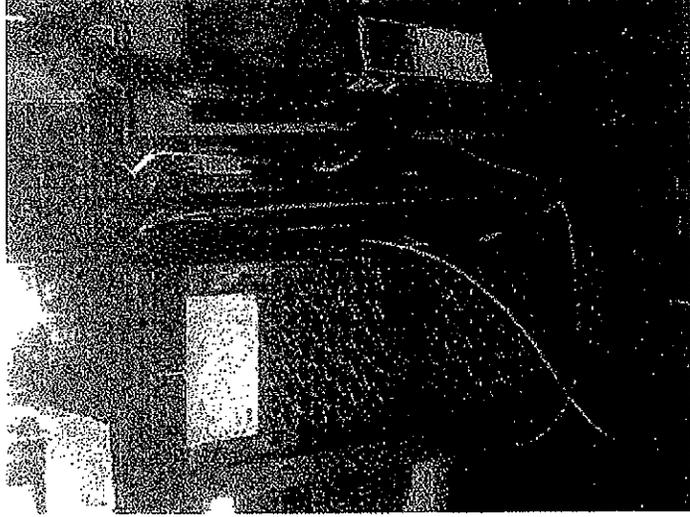
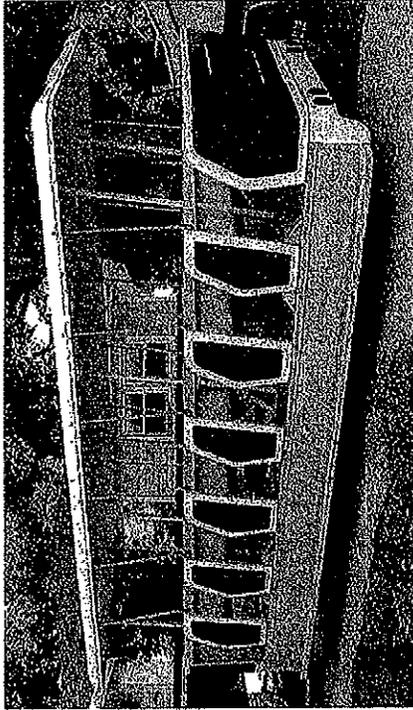


### Proposed Shuttle Tour Route

The handicap tram shuttle tour will be operated by Harbor Front Shuttle Tours. Timothy J Downey, it will begin at the dedicated location at the Ryder Street Extension Bus terminal looping down Commercial Street to the West End Rotary up to Bradford to Howland Street, Howland Street to Commercial, Commercial to Lopes Square, down MacMillan Pier returning to dedicated starting point at the Ryder Street Extension Bus Terminal.

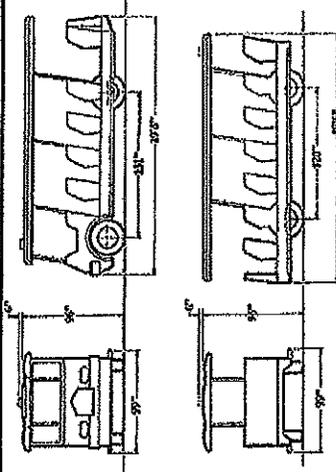
### Proposed Dedicated Stops

The designated stops will be the dedicated Ryder Street Extension Bus Terminal, Aquarium Mall, Coast Guard Station, West End Rotary, Howland and Commercial Street, Art Association, between Johnson Street and Library, and back at the designated parking space at the Ryder Street Extension Bus Terminal.



## SUMMARY SPECIFICATIONS

### Sunliner Train



PRINCIPAL DIMENSIONS		TECHNICAL SUMMARY	
Passenger Cars	21	Power Module	550 X 145 D Road
Handicap Car	1	Trailer	550 X 145 D Road
Wheelbase	17' 0"	Trailer	550 X 145 D Road
Length, Overall	137' 0"	Trailer	550 X 145 D Road
Clearance - Front	18" 0"	Trailer	550 X 145 D Road
Clearance - Rear	18" 0"	Trailer	550 X 145 D Road
Width, Overall with 10' Steps	38" 0"	Trailer	550 X 145 D Road
Height, Overall	27' 0"	Trailer	550 X 145 D Road
Height, Floor	27' 0"	Trailer	550 X 145 D Road
Height, Roof	43' 0"	Trailer	550 X 145 D Road
Step Height	18" 0"	Trailer	550 X 145 D Road
Turning Radius, Outside Front Tire	24' 0"	Trailer	550 X 145 D Road
Turning Radius, Outside Rear Tire	24' 0"	Trailer	550 X 145 D Road
Clearance - Front	18" 0"	Trailer	550 X 145 D Road
Clearance - Rear	18" 0"	Trailer	550 X 145 D Road
GVWR (Maximum at 18 MPH)	100,000 lbs	Trailer	550 X 145 D Road

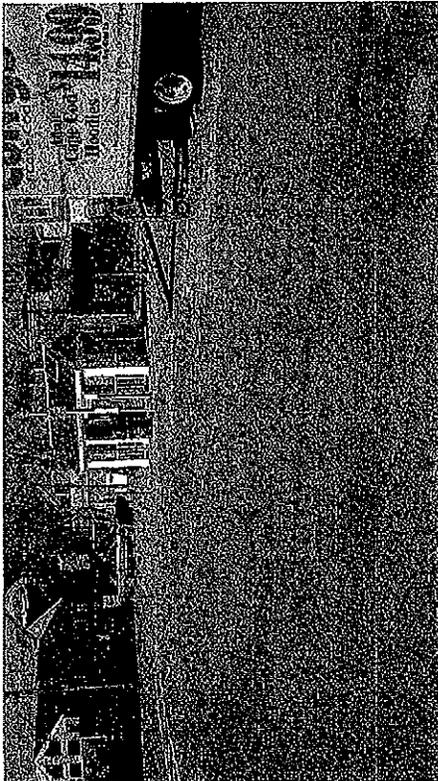
**POWER MODULE**

Trailer ..... 550 X 145 D Road  
 Axles, Front Drive ..... Drive Spline - 5,500 lb.  
 Axles, Rear Drive ..... Drive Spline - 5,500 lb.  
 Brakes, Front ..... Disc - Drive 12.5" Dia.  
 Brakes, Rear ..... Disc - Drive 12.5" Dia.  
 Suspension ..... Shock Springs  
 Fuel Capacity ..... 40 Gallons, 200 Gals.  
 Transmission ..... Chrysler Model A727  
 Seats ..... Modified Paraglide 7" Wide

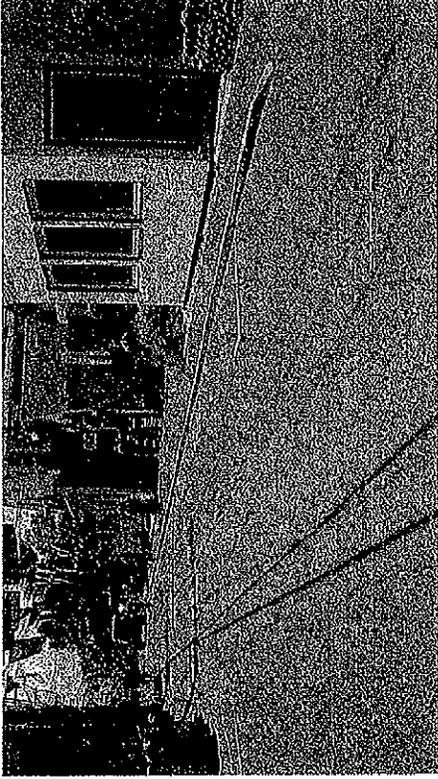
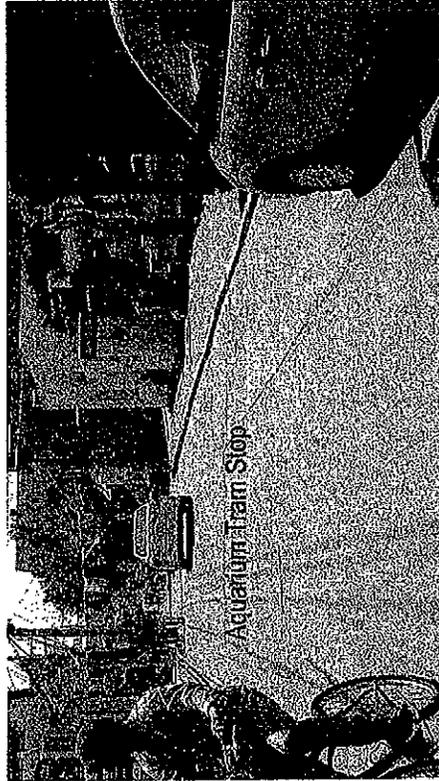
**TRAILING MODULE**

Trailer ..... 550 X 145 D Road  
 Axles, Double Steering ..... Drive Spline - 4,500 lb.  
 Brakes ..... Disc - Drive 12.5" Dia.  
 Suspension ..... Modified Coil Springs  
 Steering ..... Articulated Front-Wheel

Grade Ability vs. Road Speed - 15% at 40 MPH for 4.5 Gyr. Road train only when making tracks.  
 Brakes in 1700' on 10% grade. Brake specifications are subject to change without notice and without liability.  
 \*Always use the correct tire size for the correct speed of operation.



Dedicated Tram Stop at Bus Stop,



Between Johnson Street and Library



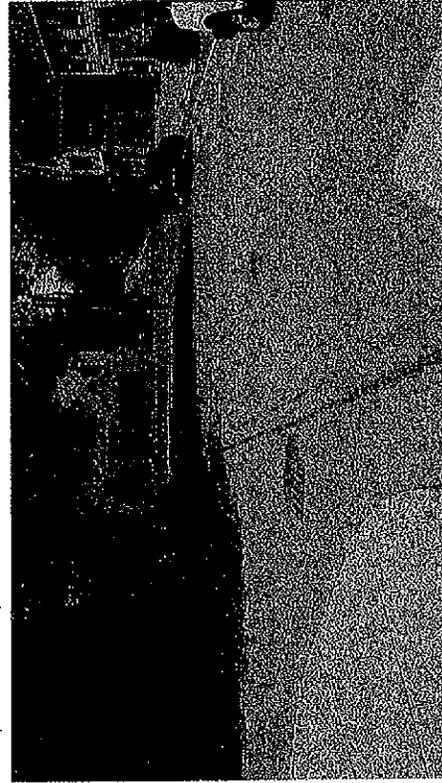
Commercial and Howland



Art Association



West End Rotary



coast guard station

## David Gardner

---

**From:** Gregg J. Corbo <GCorbo@k-plaw.com>  
**Sent:** Wednesday, May 18, 2016 2:38 PM  
**To:** David Gardner  
**Cc:** John Giorgio; David Panagore  
**Subject:** RE: Harborfront tours  
**Attachments:** KP-#369407-v1-PROV\_OPL\_to\_BOS\_re\_newsracks.DOC

Dear David.

As we discussed, there are three licenses issued to Mr. Downey: (1) Municipal Street License for a tram shuttle tour; (2) Use of Town property for newsracks; and (3) Use of Town property for information booth.

As to the Municipal Street License, M.G.L. c. 159A, s. 4 requires that the holder of such a license obtain a certificate of public convenience and necessity from the department of telecommunications and energy within three years of issuance of the license, and the statute further provides that the license shall be deemed null and void if such certificate is not obtained within said three years. In this matter, the license at issue was first issued on June 11, 2012, more than three years ago. Therefore, if the license holder has not obtained the required certificate by this time, the license is null and void by operation of law, and I recommend that the license holder be so notified. If the license is still valid, it may be revoked by the Board, after notice and a public hearing, for "good and sufficient reasons". Further, unless the license holder consents to the revocation within thirty days, the decision must be reviewed by the department of telecommunications and energy.

As to the other two licenses, it is my opinion that these are merely permissions to use Town property, which are revocable at any time. In this regard, I recommend that the license holder be provided written notice of the revocation and the reasons therefor, and be given an opportunity to appear before the Board for a hearing. In the case of the newsracks, since it appears that the only issue is the non-payment of fees, I recommend that the license holder be given an opportunity to cure, given the First Amendment implications described in the attached letter.

Please do not hesitate to contact me if you have any questions in this regard.

Very truly yours,

Gregg J. Corbo, Esq.  
**KOPELMAN AND PAIGE, P.C.**  
101 Arch Street, 12th Floor  
Boston, MA 02110  
O: (617) 556 0007  
F: (617) 654 1735  
[gcorbo@k-plaw.com](mailto:gcorbo@k-plaw.com)  
[www.k-plaw.com](http://www.k-plaw.com)

This message and the documents attached to it, if any, are intended only for the use of the addressee and may contain information that is PRIVILEGED and CONFIDENTIAL and/or may contain ATTORNEY WORK PRODUCT. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and attachments thereto, if any, and destroy any hard copies you may have created and notify me immediately.

**David Gardner**

---

**From:** Loretta Dougherty  
**Sent:** Monday, May 16, 2016 1:44 PM  
**To:** David Gardner  
**Subject:** FW: BOS Letter RE: Downey Trailer Removal at Bus Stop Park

-----Original Message-----

**From:** [bdocker@comcast.net](mailto:bdocker@comcast.net) [mailto:[bdocker@comcast.net](mailto:bdocker@comcast.net)]  
**Sent:** Monday, May 16, 2016 1:28 PM  
**To:** Loretta Dougherty  
**Cc:** Raphael Richter  
**Subject:** BOS Letter RE: Downey Trailer Removal at Bus Stop Park

Dear Selectmen,

This letter is being sent to Loretta Dougherty, with a copy to Raphael Richter.

The Beautification Committee would like to reiterate its decision of 2015, by unanimous vote, to remove the "disability" trailer overseen by the Downey family at Bus Stop Park. We understand this is coming up on an Agenda before the Board of Selectmen.

Sincerely and Cordially,  
Bill Docker  
Chair, Beautification Committee



THE COMMONWEALTH OF MASSACHUSETTS  
DEPARTMENT OF PUBLIC UTILITIES

DEVAL L. PATRICK  
GOVERNOR

RICHARD K. SULLIVAN, JR.  
SECRETARY OF ENERGY  
AND ENVIRONMENTAL AFFAIRS

ONE SOUTH STATION  
BOSTON, MA 02110  
(617) 305-3500

ANN G. BERWICK  
CHAIR

JOLETTE A. WESTBROOK  
COMMISSIONER

DAVID W. CASH  
COMMISSIONER

September 18, 2013

VIA FIRST CLASS MAIL

Mr. Timothy Downey  
6 Tiny's Way  
Provincetown, MA 02657

RE: Proposed Fixed Route Service in Provincetown

Dear Mr. Downey:

I write in response to your email of September 16, 2013 to Elizabeth Leaman, Assistant Director of the Transportation Oversight Division of the Department of Public Utilities ("Department" or "DPU"), regarding your proposal to provide regular route common carrier service over certain streets in the Town of Provincetown. In your email, you describe the proposed service and seek the Department's permission to commence operations.

As you know, the Department granted you a License for charter service on November 15, 1994 under License No. D.P.U. 94-129. See G.L. c. 159A, § 11A. This DPU-issued intrastate charter authority does not allow you to provide regular route common carrier service. Additionally, the Cape Cod Regional Transit Authority ("CCRTA") has exclusive authority to provide mass transit services within the Town of Provincetown, among other communities within its service area. See G.L. c. 161B, § 6(i). Accordingly, you must submit to the Department current documentation, such as a contract or a letter agreement, that expressly authorizes you to conduct the proposed regular route service as a contractor or agent of the CCRTA. This documentation must also specify the route(s) to be traveled and all designated stops for the boarding and discharging of passengers. If you anticipate a change in your

FAX: (617) 345-9101  
[www.mass.gov/dpu](http://www.mass.gov/dpu)

Mr. Timothy Downey  
September 18, 2013

Page 2

company's name and/or address, please include this information in the documentation. You should also inform the Department of any changes to your carrier status as soon as possible so that we can update our records, if you have not already done so.

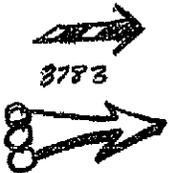
Once the Department has received and accepted the aforementioned documentation, DPU inspector Wayne Lawson will contact you to discuss further inspection and permitting of your vehicle(s). Please contact Elizabeth Leaman at (617) 305-3783 or myself at (617) 305-3771 should you have any questions.

Sincerely,



Daniel P. Collins  
Division Counsel  
Transportation Oversight Division

cc: Thomas S. Cahir, Administrator, CCRTA  
Brian F. Cristy, DPU  
Elizabeth Leaman, DPU  
Wayne Lawson, DPU



SENT CERTIFIED

91 7199 9991 7033 79256695

March 16, 2016

Timothy Downey  
6 Tiny's Way  
Provincetown, MA 02657

Dear Tim,

The Town has been made aware of your inability to secure permissions to operate your shuttle business over the last two years. We have also been contacted by the Cape Cod Regional Transit Authority who is requesting that you remove your ticket booth from the Ryder Street Extension location due to the close proximity to the bus shelter. In addition, the Town's Beautification Committee has also requested the Town Manager take action to remove the underutilized booth from town property.

We have been in contact with you several times over the last two years and have been understanding and patient with your difficult process to date, but you have been delinquent in your fees and unable to make significant progress with obtaining the necessary permits and licenses to operate your business as proposed.

Therefore, the Town requires you to demonstrate your ability to perform pursuant to the Board of Selectmen approval of April 22, 2013 or your shuttle route and permission to operate a Transportation Information Booth will be revoked. Ability to perform shall be demonstrated by having all required State and Local approvals and permits and be current on all Town licensing fees by April 22, 2016.

If the Town revokes your approval, then you will have 30 days to remove the ticket booth or the booth would be removed at your expense.

Please do not hesitate to contact me to facilitate a speedy resolution to this situation.

Sincerely,

David Gardner  
Assistant Town Manager

*Town of Provincetown*



Town Hall, 260 Commercial Street  
Provincetown, Massachusetts 02657  
Facsimile (508) 487-9560  
Telephone (508) 487-7000

CERTIFIED MAIL -- RETURN RECEIPT REQUESTED

May 23, 2016

Timothy Downey  
6 Tiny's Way  
Provincetown, MA 02657

RE: HARBORFRONT SHUTTLE TOURS

Dear Mr. Downey,

You were granted permission from the Board of Selectmen to operate the Harborfront Shuttle Tours on June 11, 2012.

Pursuant to M.G.L. c. 159A, s. 4, the Municipal Street License requires that the holder of such a license obtain a certificate of public convenience and necessity from the Massachusetts Department of Telecommunications and Energy (now known as the Department of Public Utilities) within three years of issuance of the license, and the statute further provides that the license shall be deemed null and void if such certificate is not obtained within said three years. In this matter, the license at issue was first issued on June 11, 2012, more than three years ago.

To date you have been unable to secure the necessary certificate and other permits and approvals needed to operate your shuttle business. We have been in contact with you several times over the last four years and have been understanding and patient with your difficult process. You were given until April 22, 2016 to obtain all required State and Local approvals and you have failed to do so.

We have also been contacted by the Cape Cod Regional Transit Authority who is requesting that you remove your ticket booth from the Ryder Street Extension location due to the close proximity to the bus shelter. The Town's Beautification Committee has also requested that the Town Manager take action to remove the underutilized booth from town property.

Therefore, the Board of Selectmen hereby declares your Municipal Street License null and void by operation of law, and further that your permission to use the Town's property for the ticket booth is revoked. You are further ordered to remove the ticket

booth within ten days of your receipt of this letter or the booth will be removed by the Town at your expense.

If you are aggrieved by this decision, you may request a hearing before the Board by filing a written request for hearing within five business days after receipt of this letter.

Sincerely,

Erik Yingling  
Vice Chair,  
Board of Selectmen

Cc: Massachusetts Department of Public Utilities

## **Massachusetts General Laws**

PART I ADMINISTRATION OF THE GOVERNMENT

TITLE XXII CORPORATIONS

CHAPTER 159A COMMON CARRIERS OF PASSENGERS BY MOTOR VEHICLE

Section 4 Voiding licenses, continuing licenses; revocation of licenses

Section 4. A license issued under this chapter on or after November first, nineteen hundred and forty-five, for operations as to which no certificate of public convenience and necessity under section seven is obtained within three years after the date when such license is issued by the licensing authority, which in a city shall mean the date of its approval by the mayor, shall become null and void upon the expiration of said three years. Such a license issued before said November first under the provisions of law applicable thereto or under this chapter, and remaining in force on said date, for operations as to which such a certificate is not obtained before the expiration of five years after said November first, shall become null and void upon the expiration of said five years. Each license so issued after July eighteenth, nineteen hundred and twenty-seven, for operations as to which such a certificate has been obtained prior to said November first, or is obtained within three years thereafter in the case of a license issued on or after said November first, or within five years thereafter in the case of a license issued before said date, shall remain in force and effect as to the routes and for the number of vehicles specified in such license or operated thereunder, notwithstanding any limitation contained therein as to the time it shall remain in effect, until revoked as hereinafter provided. After public notice and hearing, the licensing authority may, for good and sufficient reasons to be stated in the order of revocation, revoke in whole or in part such a license issued by such authority, but unless within thirty days after any such order of revocation, except an order made by the department or by the metropolitan district commission acting as such licensing authority, the licensee consents thereto in writing, such order shall not be valid until approved by the department after public notice and hearing



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 11, 2016

1B

**PUBLIC HEARING**

**Curb Cut Application 197 Bradford Street, Provincetown, MA**

Requested by: Board of Selectmen

Action Sought: Conduct Public Hearing

**Proposed Motion(s)**

**MOVE that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2 of the General By-Laws, to approve the request of Ann and Zyg Plater to move their existing parking area located at 197 Bradford Street, Provincetown, MA 02657 (Assessor's Map 12-4, Parcel 65) (Res 3 Zone) eastward +/- 20 feet so they may have a useable garden area.**

**Additional Information**

See Original Public Hearing Notice, Policy Statement, and Application.

**Board Action**

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

---



## Board of Selectmen

# Public Hearing

July 11, 2016

## Curb Cuts: 197 Bradford Street

The Provincetown Board of Selectmen will hold a Public Hearing on **Monday July 11, 2016 at 6:00 p.m.** in the Judge Welsh Hearing Room, Provincetown Town Hall, 260 Commercial Street, Provincetown, MA 02657 pursuant to General Bylaws Section 11-6-2, for the following application:

***Application by Ann and Zyg Plater, requesting approval to move their existing parking area eastward +/- 20 feet so that they may have a useable garden area. (Assessor's Map12-4, Parcel 65), in the Res 3 Zoning District.***

The public is encouraged to submit any written comments by Tuesday, July 5, 2016, by 12:00 noon, to [selectmen@provincetown-ma.gov](mailto:selectmen@provincetown-ma.gov) and/or Board of Selectmen, Town Hall, 260 Commercial Street, Provincetown, MA 02657, or in person at the hearing.

Raphael W. Richter, Chairman  
Board of Selectmen

Posted by the Assistant Town Clerk: [www.provincetown-ma.gov](http://www.provincetown-ma.gov), 6/15/16 4:50 pm dv  
The Banner: June 23, 2016 & June 30, 2016

# Policy Statement

**2016-01-25A** (Supersedes Policy 2010-05-10)

## Curb Cut Permit Guidelines and Procedures

These procedures are to be used in conjunction with the Provincetown General Bylaws Section 11-6-2 Curb Cuts:

*No person shall break or dig up the ground or surface of a town or public way or sidewalk, to create a new access way to any property which would alter existing parking and traffic patterns, without the express permission of the Board of Selectmen after a duly advertised hearing.*

A curb cut permit shall be required for any new parking space or driveway with access from a public road that can not clearly demonstrate having previously existed on a plan recognized by the Planning Board or on file with the Barnstable County Registry of Deeds. A curb cut permit shall also include any pedestrian walkway or gate if it is determined that the walkway or gate would impact or alter existing parking and traffic patterns in the public way or negatively impact public safety within the public way.

The intent of a curb cut permit is: 1) to protect the edge of the roadway pavement and prevent debris from entering the road; 2) to allow for proper or improved stormwater drainage; and 3) to ensure adequate public safety and access for both vehicles and pedestrians within the public right-of-way.

Pursuant to Zoning Bylaw, a *parking space shall mean a space adequate to park a standard automobile, plus means of access and shall be not less than 8' x 18'*.

### Evaluation Criteria:

- The Selectmen shall review curb cut requests to ensure that the location of any curb cut or driveway is suitably located so as to preserve public safety and convenience.
- Where feasible, curb cuts should be avoided on Route 6.
- Where feasible, curb cuts should be favored on side streets over Bradford Street and Commercial Street or other high traffic streets or congested areas.
- Curb cuts should accommodate a legal parking space outside of the public right-of-way and have sufficient backup clearing to avoid disruption to existing traffic patterns and public safety.
- Curb cuts should ensure sufficient sight lines for backup into traffic and pedestrian ways.
- Curb cuts should be considered in relation to existing on-street parking patterns and should not reduce the number of available parking spaces.
- Curb cuts should not exceed 18 feet in width except to meet a roadway standard.
- Curb cuts or driveways should not be permitted that increase stormwater flow onto any public sidewalk or way without drainage systems that adequately mitigate stormwater incorporated into the design.

Curb cuts shall be reviewed on a case by case basis and shall not be considered precedent setting.

Curb cuts that serve a project requiring site plan review shall meet the minimum standard as set forth by the Planning Board and approved by the Fire Chief.

**Fee:**

A curb cut request shall be accompanied by a fee of \$200.00. The fee is based on the cost of Town staff to review and evaluate the requests and the cost associated with the public hearing.

**Application Procedure:**

**Step 1:** Applicant requests an abutters' list from the Assessor's Office.

**Step 2:** Curb Cut Application is filed with the Department of Community Development and must be accompanied by:

- Abutters list provided by the Assessor's Department
- Certified to-scale plot plan indicating both the existing or proposed conditions identifying the actual location of the proposed curb cut and abutting areas (including all structures, trees, landscaping, fences, power poles, utility equipment, Title V septic system, propane or oil tanks).
- Any supporting documentation provided by the applicant (letters of support from abutters, pictures, etc.)

**Step 3:** Once the application is deemed complete, the Permit Coordinator will schedule a public hearing with the Selectmen's Secretary.

**Step 4:** The Permit Coordinator will prepare a legal notice that will be posted in the Town Hall and printed in the newspaper not less than fourteen (14) days prior to the public hearing. This legal notice will be provided to the applicant. The applicant must--The Secretary will mail the notice to abutters not less than fourteen (14) days prior to the public hearing. Applicant shall retain return receipts of the certified mail to abutters, and shall present them to the Board of Selectmen at the public hearing.

**Step 5.** Prior to the public hearing, the Permit Coordinator will distribute individual copies of the application and plans to the Assistant Town Manager, Chief of Police, DPW Director, Fire Chief, Building Commissioner and Town Planner for their review and comments.

**Step 6.** The applicant or his/her representative must be present at the public hearing. Public input in support of and in opposition to the application will be heard at the hearing.

**Step 7.** The Selectmen reserve the right to alter the proposed layout or place conditions on the approval of any curb cut request at the public hearing. The Permit Coordinator will forward the approved permit with conditions confirming the motion and vote of the Board of Selectmen to the applicant.

**Step 8.** Once the curb cut and driveway are installed, the applicant shall schedule a final inspection with Local Building Inspector.

*Adopted January 25, 2016*

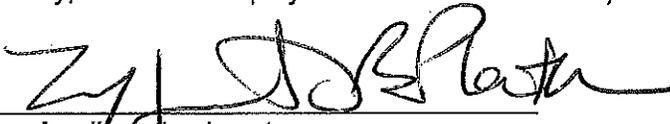
*In favor: Donegan, Andrews, Richter and Anthony*

*Opposed: none.*

## Curb Cut Application

Location: <u>197 BRADFORD</u>	Parcel Number: <u>ASSR's 12-4/65</u>
Applicant: <u>ANN &amp; ZYG PLATER</u>	Property Owner: <u>SAME</u>
Applicants Mailing Address: <u>197 BRADFORD / 65 DUNCKLEST NEWTON HILLS MA 02461</u>	
Applicant's Phone number: <u>617 512 7326</u>	email: <u>plater@bc.edu</u>

Pursuant to General Bylaw Section 11-6-2, I hereby request permission of the Board of Selectmen to establish a curb cut as per the attached plans showing existing conditions and proposed curb cut: (Please attach certified to-scale plot plan showing existing conditions, the actual location of the proposed curb cut, and the immediate area, including nearest adjacent curb cuts, public parking spaces, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.)

  
 Applicant's signature

30 APRIL 2016  
 Date

**For Office use Only**

Public Safety Official	Approve	Disapprove	Date
DPW Director	<i>[Signature]</i>		6/22/16
Fire Chief			
Police Chief			
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: Reestablish Bradford St. parking in front of existing driveway. Place a "No Parking" designation in front of proposed driveway.

New hedge plantings shall be within applicants property line. No new planting within Bradford St. Right-of-Way.

4

## Curb Cut Application

Location: 197 BRADFORD Parcel Number: ASSR's 12-4/65

Applicant: ANN & ZYG PLATER Property Owner: SAME

Applicants Mailing Address: 197 BRADFORD / 65 DUNCKLEEST  
NEWTON HLDG MA 02461

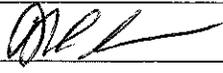
Applicant's Phone number: 617 512 7326 email: plater@bc.edu

Pursuant to General Bylaw Section 11-6-2, I hereby request permission of the Board of Selectmen to establish a curb cut as per the attached plans showing existing conditions and proposed curb cut: (Please attach certified to-scale plot plan showing existing conditions, the actual location of the proposed curb cut, and the immediate area, including nearest adjacent curb cuts, public parking spaces, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also Include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.)

  
 Applicant's signature

30 APRIL 2016  
 Date

**For Office use Only**

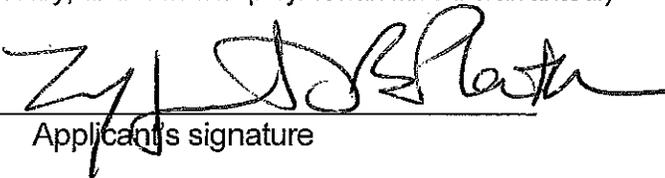
Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			<u>07/08/16</u>
Police Chief			
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

## Curb Cut Application

Location: <u>197 BRADFORD</u>	Parcel Number: <u>ASSR's 12-4/65</u>
Applicant: <u>ANN &amp; ZYG PLATER</u>	Property Owner: <u>SAME</u>
Applicants Mailing Address: <u>197 BRADFORD / 65 DUNCKLEST NEWTON HILLS MA 02461</u>	
Applicant's Phone number: <u>617 512 7320</u>	email: <u>plater@bc.edu</u>

Pursuant to General Bylaw Section 11-6-2, I hereby request permission of the Board of Selectmen to establish a curb cut as per the attached plans showing existing conditions and proposed curb cut: (Please attach certified to-scale plot plan showing existing conditions, the actual location of the proposed curb cut, and the immediate area, including nearest adjacent curb cuts, public parking spaces, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.)


30 APRIL 2016  
 Applicant's signature Date

**For Office use Only**

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief	✓ 		
Building Commissioner			
Town Planner			
Assistant Town Manager			

Comments: \_\_\_\_\_

Relocation will result on on street parking which should  
be gained by the area currently occupied by the curb-cut

# Curb Cut Application

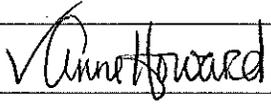
Location: <u>197 BRADFORD</u>	Parcel Number: <u>ASSR's 12-4/65</u>
Applicant: <u>ANN &amp; ZYG PLATER</u>	Property Owner: <u>SAME</u>
Applicants Mailing Address: <u>197 BRADFORD / 65 DUNCKLEEST NEWTON HILLS MA 02461</u>	
Applicant's Phone number: <u>617 512 7326</u>	email: <u>plater@bc.edu</u>

Pursuant to General Bylaw Section 11-6-2, I hereby request permission of the Board of Selectmen to establish a curb cut as per the attached plans showing existing conditions and proposed curb cut: (Please attach certified to-scale plot plan showing existing conditions, the actual location of the proposed curb cut, and the immediate area, including nearest adjacent curb cuts, public parking spaces, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also Include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.)

  
 Applicant's signature

30 APRIL 2016  
 Date

**For Office use Only**

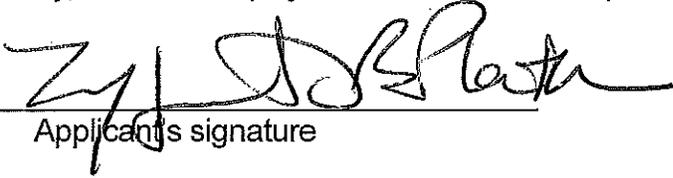
Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner			<u>07.01.16</u>
Town Planner			
Assistant Town Manager			

Comments: meet w/ property owner and conducted  
06.20.16 @ 12:30pm

# Curb Cut Application

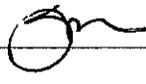
Location: <u>197 BRADFORD</u>	Parcel Number: <u>ASSR's 12-4/65</u>
Applicant: <u>ANN &amp; ZYG PLATER</u>	Property Owner: <u>SAME</u>
Applicants Mailing Address: <u>197 BRADFORD / 65 DUNCKLEEST NEWTON HILLS MA 02461</u>	
Applicant's Phone number: <u>617 512 7326</u>	email: <u>plater@bc.edu</u>

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 Applicant's signature

30 APRIL 2016  
 Date

**For Office use Only**

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner			
Town Planner			6-30-16
Assistant Town Manager			

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

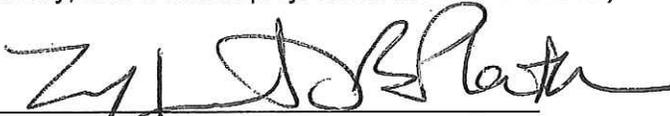
\_\_\_\_\_

\_\_\_\_\_

# Curb Cut Application

Location: <u>197 BRADFORD</u>	Parcel Number: <u>ASSR's 12-4/65</u>
Applicant: <u>AND \$ ZYG PLATER</u>	Property Owner: <u>SAME</u>
Applicants Mailing Address: <u>197 BRADFORD / 65 DUNCKLEEST NEWTON HILLS MA 02461</u>	
Applicant's Phone number: <u>617 512 7326</u>	email: <u>plater@bc.edu</u>

Pursuant to General Bylaw Section 11-6-2, I hereby request permission of the Board of Selectmen to establish a curb cut as per the attached plans showing existing conditions and proposed curb cut: (Please attach certified to-scale plot plan showing existing conditions, the actual location of the proposed curb cut, and the immediate area, including nearest adjacent curb cuts, public parking spaces, all structures, trees, landscaping, fences, power poles, utility equipment, Title 5 septic systems, propane or oil tanks, etc... Also include any photos of the existing conditions taken from various vantage points, other supporting documentation if necessary, and a written project narrative if warranted.)

  
 Applicant's signature

30 APRIL 2016  
 Date

**For Office use Only**

Public Safety Official	Approve	Disapprove	Date
DPW Director			
Fire Chief			
Police Chief			
Building Commissioner			
Town Planner			
Assistant Town Manager			<u>6.20.16</u>

Comments: CONDITION: ON MINIMUM OF 18' CLEARANCE  
 FROM PROPERTY LINE TO ALLOW LEGAL PARKING  
 SPACE OUTSIDE OF ROADWAY.

CONDITION: NO HEDGES OR PLANTING IN  
 THE PUBLIC WAY OF BRADFORD ST.



TOWN OF PROVINCETOWN  
Community Development Department  
260 Commercial Street, Provincetown MA 02657  
Phone: 508 487-7020 Fax: 508 487-0032

## CURB CUT PERMIT

Location:	197 BRADFORD
Applicant:	ANN & ZYG PLATER
Applicants Mailing Address:	197 BRADFORD / 65 DUNCLEE ST NEWTON HILLS, MA 02461
Applicant's Phone number:	617 512 7326
Applicant's Email:	plater@bc.edu

This Curb Cut Permit is issued pursuant to Provincetown General Bylaws Section 11-6-2 and in accordance with Board of Selectmen Policy Statement 2016-01-25A.

The Board of Selectmen held a public hearing on \_\_\_\_\_ and approved your Curb Cut request with the following conditions:

1. The applicant shall grade and place erosion control devices as needed to prevent stormwater and debris from flowing onto the Town road and into drainage structures during construction.
2. Upon Completion of the project, the applicant shall ensure that the edge of the paved road is supported and not undermined and that disturbed areas are restored and/or re-vegetated. Any construction damage to the Town road shall be repaired by the applicant.
3. Dig-safe must be contacted as required by state law.
4. Contact the Police Department at 508-487-1212 if a police detail will be required for work within the right-of-way.
5. Other: \_\_\_\_\_

Board of Selectmen:

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

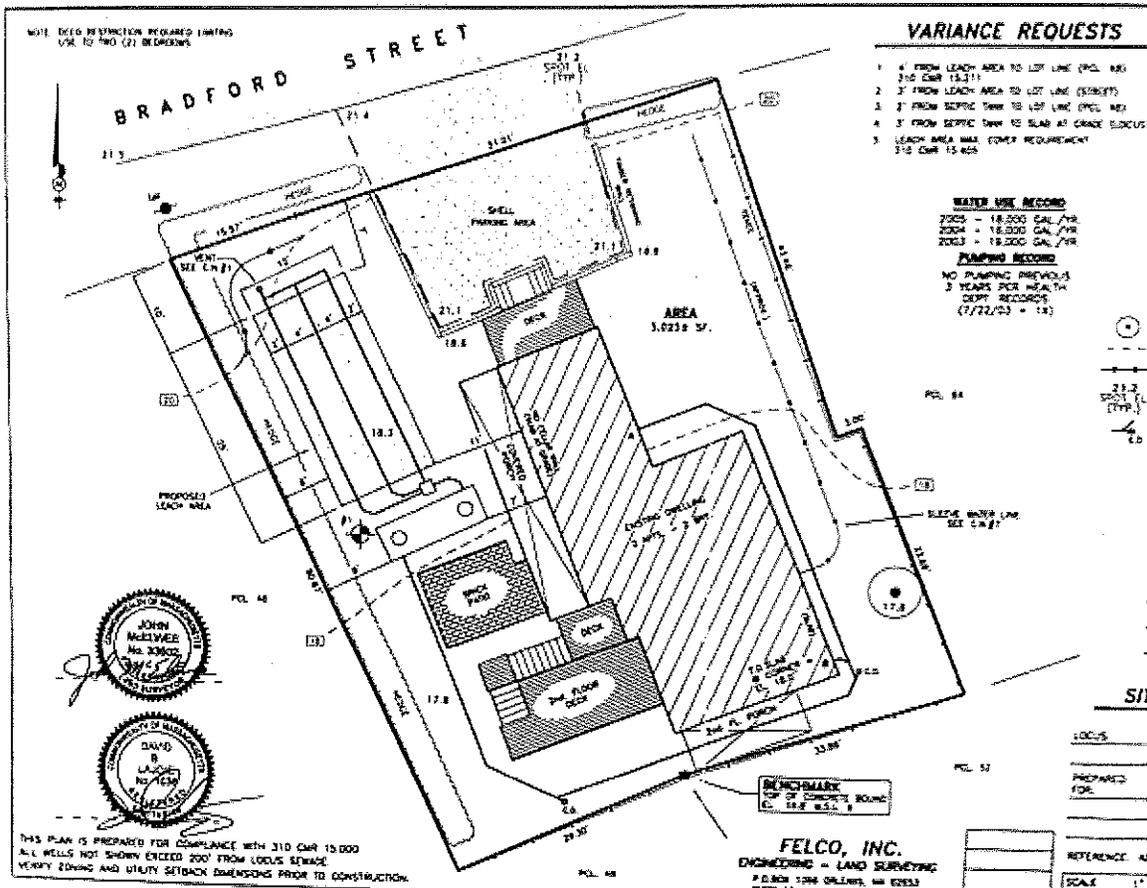
All improvements shall be carried out as shown on the plans and specifications submitted by the applicant, except as modified above. These plans and specifications are incorporated into the conditions of this permit.

This permit is granted upon the condition that the work authorized herein is commenced within one year after the date of the approval noted above. If the work authorized by this permit is not commenced within one year or if such work is suspended in significant part for a period of one year after the time the work is commenced, this permit shall expire and be of no further effect; provided that, for reasonable cause, one or more extensions of time, for periods not exceeding ninety days each, may be allowed. Such authorization shall be provided in writing by the Building Commissioner.

Final Inspection Sign-off:

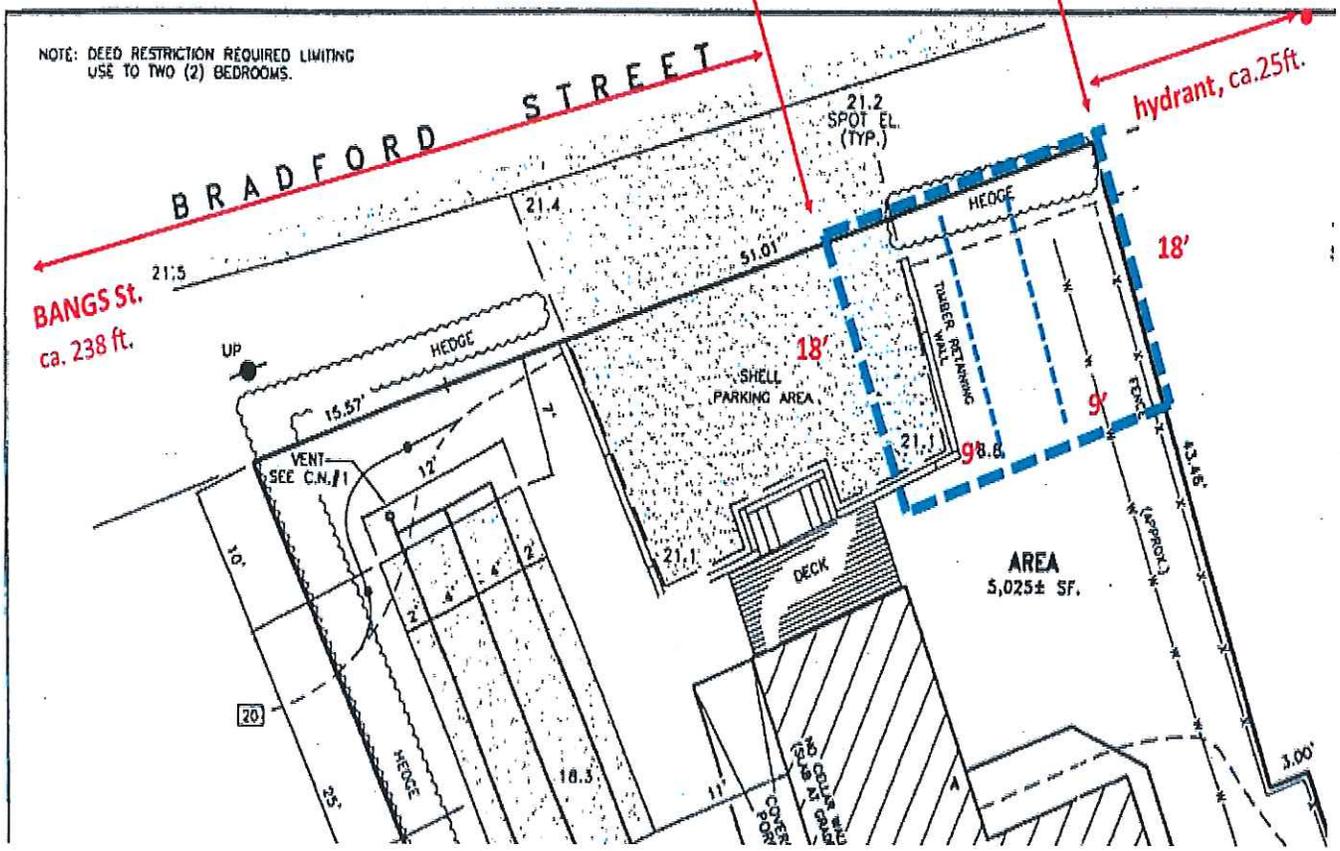
\_\_\_\_\_  
Date: \_\_\_\_\_

**197 Bradford St. — 2006 Plan showing existing Parking Area  
(to be shifted right to the eastern boundary, expanding the garden area to the left)**





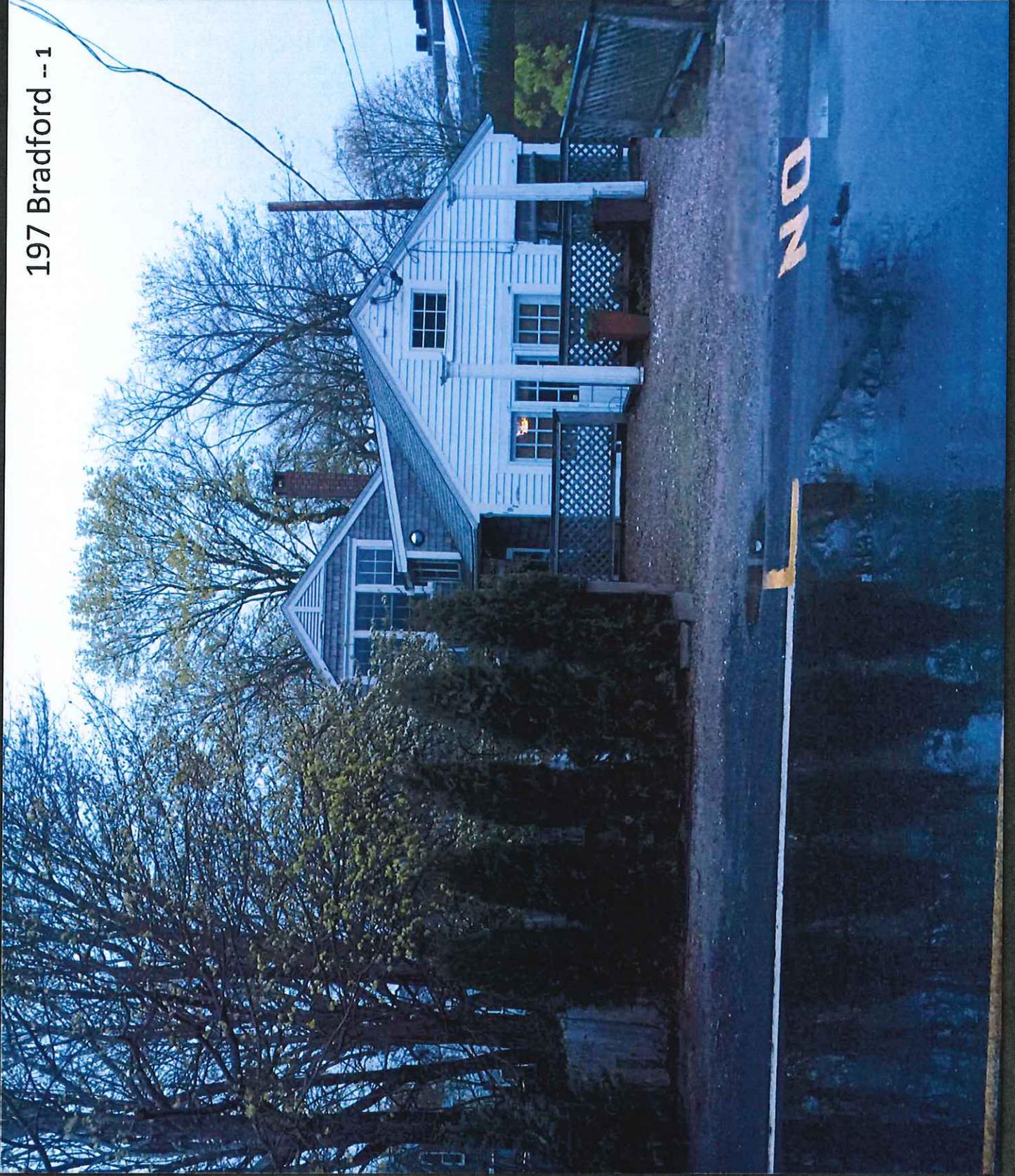
197 Bradford: overlay = Parking Area shifted right to the eastern boundary showing dimensions and distances to Cook St., Bangs St., and hydrant...



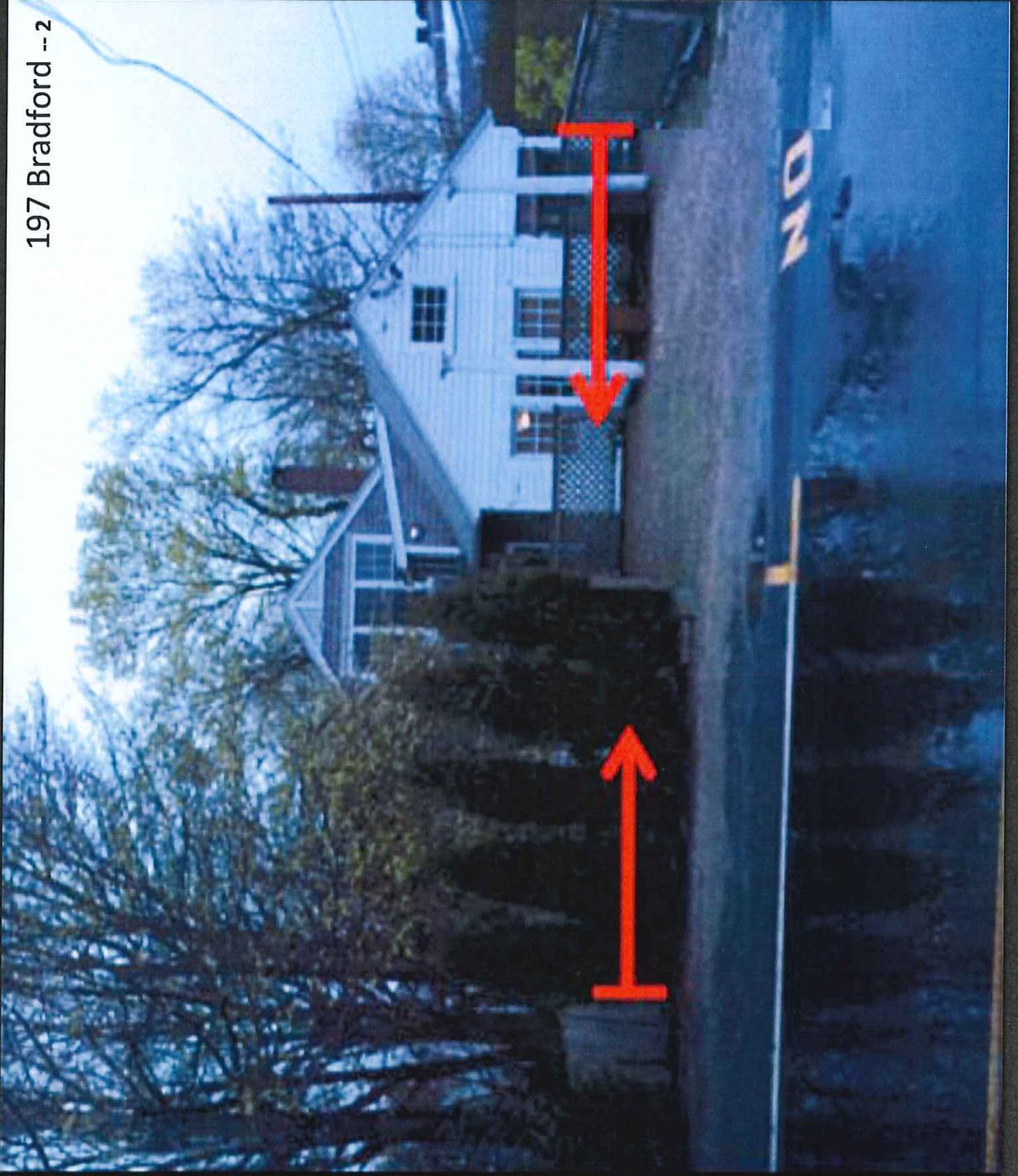




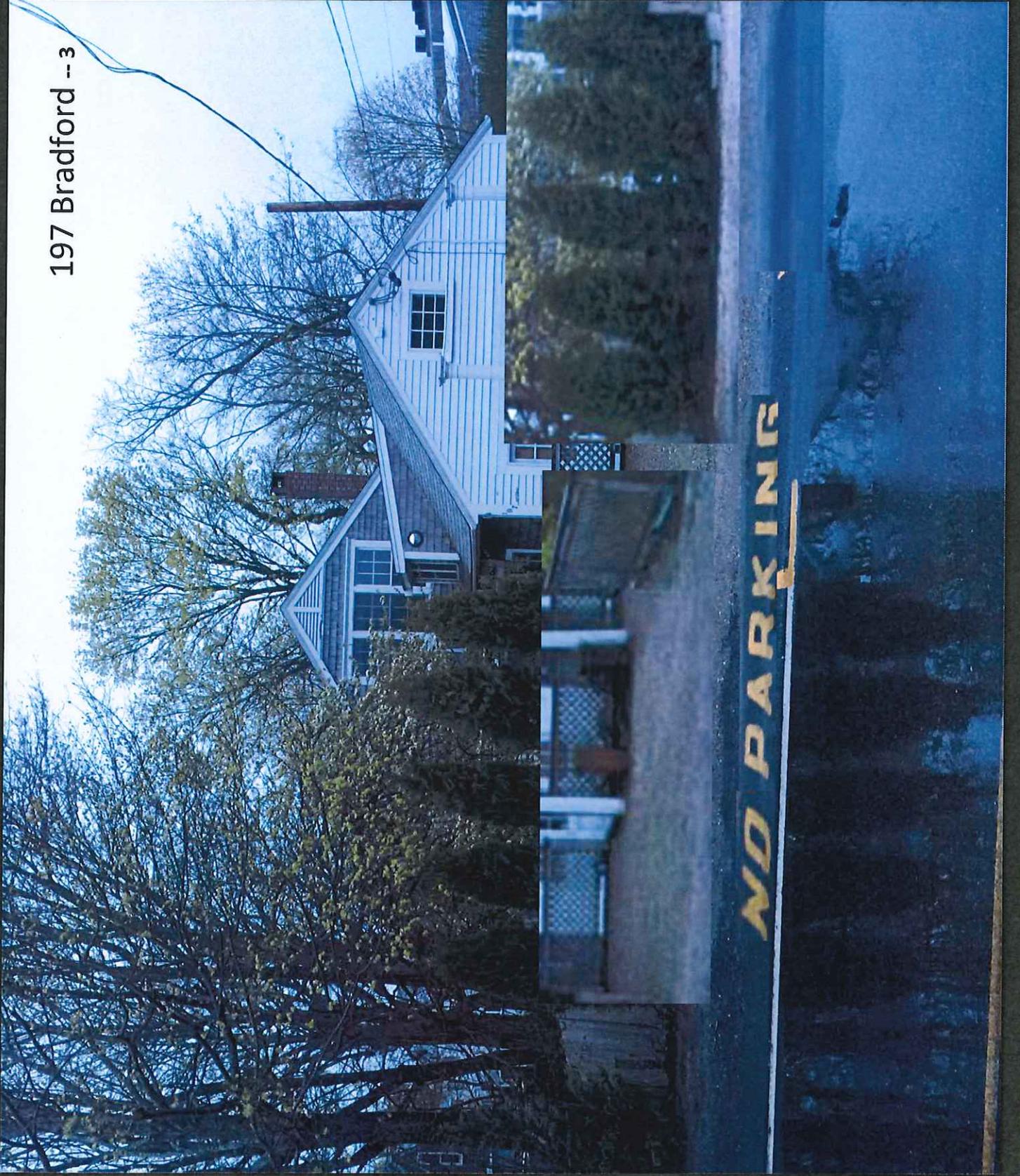
197 Bradford --1



197 Bradford -- 2



197 Bradford -- 3



NOTE: DEED RESTRICTION REQUIRED LIMITING USE TO TWO (2) BEDROOMS.

### VARIANCE REQUESTS

- 4' FROM LEACH AREA TO LOT LINE (PCL. 48) 310 CMR 15.211
- 3' FROM LEACH AREA TO LOT LINE (STREET)
- 2' FROM SEPTIC TANK TO LOT LINE (PCL. 48)
- 3' FROM SEPTIC TANK TO SLAB AT GRADE (LOCUS)
- LEACH AREA MAX. COVER REQUIREMENT 310 CMR 15.405

#### WATER USE RECORD

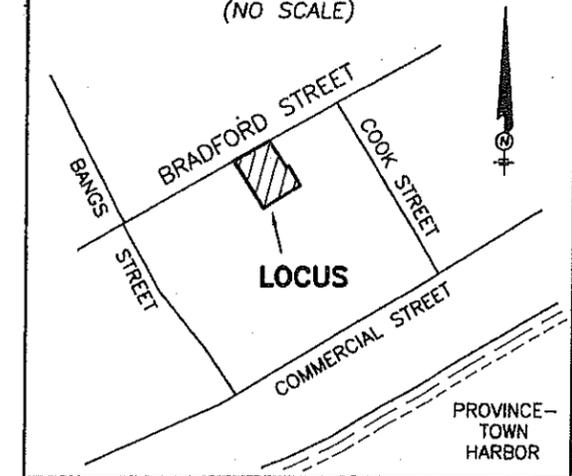
2005 - 18,000 GAL./YR.  
2004 - 16,000 GAL./YR.  
2003 - 19,000 GAL./YR.

#### PUMPING RECORD

NO PUMPING PREVIOUS 3 YEARS PER HEALTH DEPT. RECORDS (7/22/03 = 1X)

### LOCUS

(NO SCALE)



### LEGEND

- EXISTING SEPTIC
- EXISTING CONTOUR
- PROPOSED CONTOUR
- 21.2 SPOT EL. (TYP.)
- CLEAN OUT AT GRADE
- WATER LINE
- TEST HOLE
- SEPTIC TANK
- UTILITY POLE

3/22/07  
**BOARD OF HEALTH APPROVAL**

*Handwritten signatures of board members*

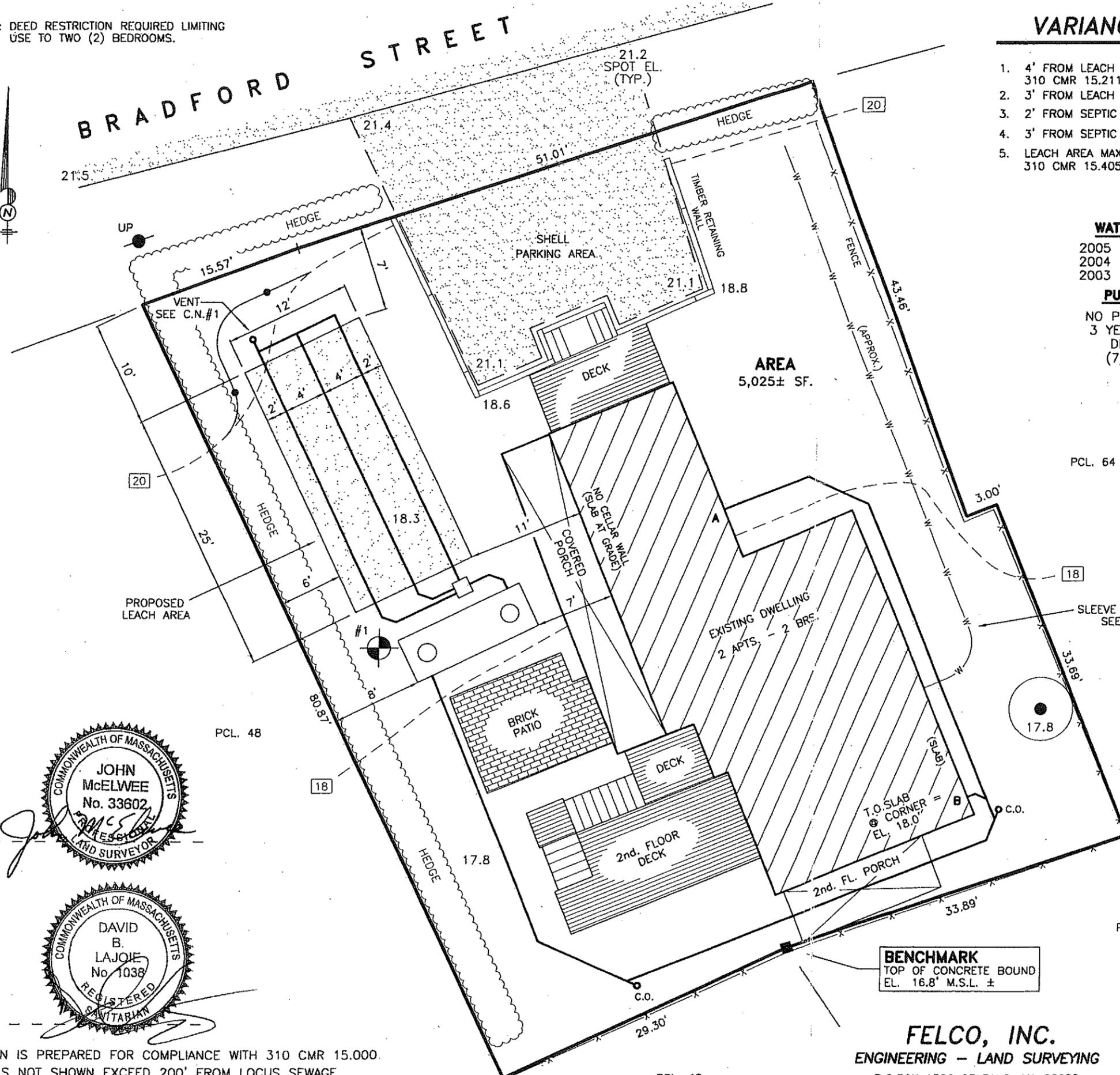
### SITE & SEWAGE PLAN

LOCUS: **197 BRADFORD STREET**  
PROVINCETOWN, MA

PREPARED FOR: **WILLIAM HARDING**  
197 BRADFORD STREET  
PROVINCETOWN, MA 02657

REFERENCE: ASSR'S MAP **12-4** PARCEL **65**

SCALE: 1" = 10' DATE: 11/20/2006  
SHEET No. 1 OF 2 JOB No. 06079

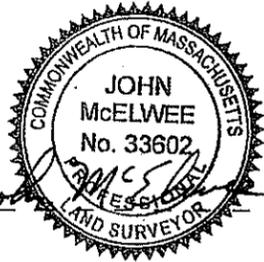


AREA 5,025± SF.

**BENCHMARK**  
TOP OF CONCRETE BOUND  
EL. 16.8' M.S.L. ±

**FELCO, INC.**  
ENGINEERING - LAND SURVEYING  
P.O. BOX 1366 ORLEANS, MA 02653  
(508) 255-8141 (FAX) 255-2954

REVISIONS	



THIS PLAN IS PREPARED FOR COMPLIANCE WITH 310 CMR 15.000  
ALL WELLS NOT SHOWN EXCEED 200' FROM LOCUS SEWAGE.  
VERIFY ZONING AND UTILITY SETBACK DIMENSIONS PRIOR TO CONSTRUCTION.



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 11, 2016

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 11, 2016

3

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## SELECTMEN'S STATEMENTS

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

### Proposed Motion(s)

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

**Robert Anthony**

**Erik Yingling**

**Cheryl Andrews**

**Tom Donegan**

**Raphael Richter**

### 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 11, 2016

4

## JOINT MEETING

Requested by: Town Manager David B. Panagore

Action Sought: Update

### Proposed Motion(s)

None.

### Additional Information

### Board Action

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



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 11, 2016

5

## BOARD OF SELECTMEN APPOINTMENT

Requested by: Town Clerk Doug Johnstone

Action Sought: **Approval**

### Proposed Motion(s)

**None.**

### 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 11, 2016

6A

## TOWN MANAGER

### Setting a Goal and Merit Structure

Requested by: Chairman Raphael W. Richter

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 11, 2016

6B

## TOWN BUSINESS CALENDARS

### Review 2016-2017 Calendars With and Without Fall Town Meeting

Requested by: Town Manager David B. Panagore

Action Sought: Discussion

Proposed Motion(s)

**Discussion dependent. Votes may be taken.**

Additional Information

See attached calendars.

Board Action

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

2016/2017 Calendar Color Coding

Fall Special Town Meeting

Spring Annual and Special Town Meetings

Financial (Budget, Finance Committee)

Board of Selectmen

# July 2016- Includes Fall Town Meeting

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 TOWN HALL CLOSED	5	6	7	8	9
10	11 BOS Regular Mtg BOS/Planning Jnt Mtg CIP & 10 year templates to depts	12	13 David P on Vacation	14	15	16
17	18	19	20	21	22	23
24	25 BOS Regular Meeting	26	27	28	29 BOS Roundtable- Housing Trust Preliminary free cash estimate	30
31						

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# August 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5	6
7	8 BOS Regular Meeting	9	10	11	12 CIP & Financial Forecast Budgets Due to Finance Director	13
14	15 FinCom prepares CIP & Financial Forecast Budgets for TM	16	17	18	19 Fin Dir submits CIP & Financial Forecast Budgets to TM	20
21	22 BOS Regular Meeting Vote to open warrant	23 TM prepares CIP & Financial Forecast Budgets for BOS	24	25	26 TM submits CIP & Financial Forecast to BOS & FinCom	27
28	29	30	31			

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**DRAFT**

# September 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1	2	3
Present financial forecast to community groups this month	Schedule BOS/Pier Corp Joint Meeting this month					
4	5 TOWN HALL CLOSED	6	7 Draft articles for BOS packet due/ Staff present fin forecast to FinCom	8 State Primary Election Submit public hearing notices	9 TM/ATM Warrant Review Open House for petitioned articles	10
11	12 BOS Reg Meeting Joint Mtg w FinCom Review fin forecast DP on Vacation 9/4-17?	13	14 Staff presents financial forecast to community groups- Date TBD	15 Public hearing notices for Boards & Committees published	16 BOS Roundtable- Civic Engagement	17 Staff presents financial forecast to PRNTA?- Date TBD
18	19 BOS Special Meeting? Insert & approve articles	20 Proof Warrant	21	22 Public hearing notices for Boards & Committees published	23 WARRANT CLOSES	24 Staff presents financial forecast to PRNTA?- Date TBD
25	26 BOS Reg Meeting BOS Vote on articles BOS gives TM direction on budget	27 Staff starts writing motions & scripts Format warrant	28	29 Warrant, bylaws submitted to Banner Boards start voting	30 Operating budget templates to depts	
	BOS approves warrant for publication Warrant online					

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# October 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
FinCom reviews articles this month						
2	3 BOS Special Meeting to review CIP Boards voting on warrant	4	5	6 Warrant Published Traffic Proposals Due	7	8
9	10 Town Hall Closed	11 BOS Regular Meeting STM Books Made	12	13 Deadline for staff to submit non-resident names for motion	14 Planning Board Report Due	15
16	17 FinCom Report Due Moderator Deadline for Materials	18 Warrant Review with the Public- Date TBD?	19 Moderator's Meeting? STM Books finalized	20	21	22
23	24 TOWN MEETING	25	26	27	28 David P on vacation	29
30	31 Follow up with Home Rule Petition articles					

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# November 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 Departments prepare budget David on Vacation	2	3 Traffic Team Meeting	4	5
6 David P on Vacation Depts prepare budget	7	8 State/National Elections	9	10 Depts submit budget requests & enterprise fund budgets	11 Town Hall Closed	12
13	14 BOS Regular Meeting	15 Fall Traffic Hearing	16	17	18	19
20	21	22	23	24 Town Hall Closed	25 Town Hall Closed	26
27	28 BOS Regular Mtg Town Manager & Fin Dir review budget requests with depts	29	30			
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DRAFT

# December 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 <small>Town Manager &amp; Fin Dir review budget requests with depts</small>	2	3
4	5 <small>Town Manager &amp; Fin Dir review budget requests with depts</small>	6	7	8	9	10
11	12 <small>BOS Regular Mtg</small> <small>Town Mgr has call-back mtgs &amp; finalizes Budget Message</small>	13	14	15	16	17
18	19 <small>Deadline for TM to submit budget to BOS</small>	20	21	22	23	24
25	26 <small>Town Hall Closed</small>	27	28	29	30	31
						p. 6

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# January 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 Town Hall Closed	3 BOS Budget Meetings →	4	5	6	7
8	9 Joint Mtg- BOS, FinCom, School BOS Regular Meeting	10 BOS Budget Meetings →	11	12 Personnel Board- Compensation Plan Review?	13	14
15	16 Town Hall Closed	17	18	19	20	21
22	23 BOS Meeting-Vote to open the warrant	24	25	26	27	28
29	30 FinCom reviews budgets →	31 BOS budget recommendations due to FinCom per charter				
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**DRAFT**

# February 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 FinCom reviews budgets	2 Public hearing notice on bylaws to Banner?	3	4
5	6 FinCom reviews budgets	7	8 Draft warrant in BOS packet	9	10	11
12	13 BOS Meeting- Discuss articles/ refer bylaws to Planning Board FinCom Call-backs	14	15	16 Public Hearing notices for boards to Banner	17	18
19	20 Town Hall Closed	21 BOS/FC Joint Mtg Staff drafts articles Staff gives Banner info for article on warrant	22	23 Public Hearing notices for boards in Banner	24	25
26	27 BOS Meeting BOS insert articles Public hearing on bylaws?	28				

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# March 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2 Submit CIP to Banner Public Hearing notices for boards in Banner	3 Warrant Closes & BOS approves for publication	4
5 Warrant available online	6 Staff starts writing motions & scripts	7	8	9 CIP in Banner Warrant, budget & bylaws to Banner	10	11
12	13 BOS Meeting	14	15	16 Warrant, budget & bylaws in Banner	17	18
19	20 Town Officials' books assembled this week	21 Deadline for Staff to submit names for preliminary motion	22	23	24 Planning Board Report Due	25
26	27 FC Report Due BOS Meeting Deadline for material to Moderator	28 Moderator's Meeting? Town Officials' books finished	29	30	31	
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# April 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3 TOWN MEETING	4 TOWN MEETING?	5 TOWN MEETING?	6 TOWN MEETING?	7	8
9	10 BOS Meeting	11	12	13	14	15
16	17 Town Hall Closed	18	19	20	21	22
23	24 BOS Meeting	25	26	27	28	29
30						p. 10

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# July 2016- Does not include Fall Town Meeting

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
					1	2
3	4 TOWN HALL CLOSED	5	6	7	8	9
10	11 BOS Regular Mtg BOS/Planning Jnt Mtg CIP & 10 year templates to depts	12	13 David P on Vacation	14	15	16
17	18	19	20	21	22	23
24	25 BOS Regular Meeting	26	27	28	29 BOS Roundtable- Housing Trust Preliminary free cash estimate	30
31						

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# August 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
	1	2	3	4	5	6
7	8 BOS Regular Meeting	9	10	11	12 CIP & Financial Forecast Budgets Due to Finance Director	13
14	15 FinCom prepares CIP & Financial Forecast Budgets for TM	16	17	18	19 Fin Dir submits CIP & Financial Forecast Budgets to TM	20
21	22 BOS Regular Meeting	23 TM prepares CIP & Financial Forecast Budgets for BOS	24	25	26 TM submits CIP & Financial Forecast to BOS & FinCom	27
28	29	30	31			

# September 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
Present financial forecast to community groups this month	Schedule BOS/Pier Corp Joint Meeting this month			1	2	3
4	5 TOWN HALL CLOSED	6	7 Staff present fin forecast to FinCom	8 State Primary Election	9	10
11	12 BOS Reg Meeting Joint Mtg w FinCom Review fin forecast DP on Vacation 9/4-17?	13	14 Staff presents financial forecast to community groups- Date TBD	15	16 BOS Roundtable- Civic Engagement	17 Staff presents financial forecast to PRNTA?- Date TBD
18	19 BOS Special Meeting?	20	21	22	23	24 Staff presents financial forecast to PRNTA?- Date TBD
25	26 BOS Reg Meeting BOS gives TM direction on budget	27	28	29	30 Operating budget templates to depts	

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# October 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
FinCom reviews articles this month						1
2	3 BOS Special Meeting to review CIP	4	5	6 Traffic Proposals Due	7	8
9	10 Town Hall Closed	11 BOS Regular Meeting	12	13	14	15
16	17 FinCom Report Due	18	19	20	21	22
23	24	25	26	27	28 David P on vacation →	29
30	31					
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# November 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
		1 Departments prepare budget David on Vacation	2	3 Traffic Team Meeting	4	5
6 David P on Vacation Depts prepare budget	7	8 State/National Elections	9	10 Depts submit budget requests & enterprise fund budgets	11 Town Hall Closed	12
13	14 BOS Regular Meeting	15 Fall Traffic Hearing	16	17	18	19
20	21	22	23	24 Town Hall Closed	25 Town Hall Closed	26
27	28 BOS Regular Mtg Town Manager & Fin Dir review budget requests with depts	29	30			
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# December 2016

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
				1 Town Manager & Fin Dir review budget requests with depts	2	3
4	5 Town Manager & Fin Dir review budget requests with depts	6	7	8	9	10
11	12 BOS Regular Mtg Town Mgr has call-back mtgs & finalizes Budget Message	13	14	15	16	17
18	19 Deadline for TM to submit budget to BOS	20	21	22	23	24
25	26 Town Hall Closed	27	28	29	30	31

DRAFT

# January 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
1	2 Town Hall Closed	3 BOS Budget Meetings →	4	5	6	7
8	9 Joint Mtg- BOS, FinCom, School BOS Regular Meeting	10 BOS Budget Meetings →	11	12 Personnel Board- Compensation Plan Review?	13	14
15	16 Town Hall Closed	17	18	19	20	21
22	23 BOS Meeting-Vote to open the warrant	24	25	26	27	28
29	30 FinCom reviews budgets →	31 BOS budget recommendations due to FinCom per charter				
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# February 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1 FinCom reviews budgets	2 Public hearing notice on bylaws to Banner?	3	4
5	6 FinCom reviews budgets	7	8 Draft warrant in BOS packet	9	10	11
12	13 BOS Meeting- Discuss articles/ refer bylaws to Planning Board FinCom Call-backs	14	15	16 Public Hearing notices for boards to Banner	17	18
19	20 Town Hall Closed	21 BOS/FC Joint Mtg Staff drafts articles Staff gives Banner info for article on warrant	22	23 Public Hearing notices for boards in Banner	24	25
26	27 BOS Meeting BOS insert articles Public hearing on bylaws?	28				

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# March 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
			1	2 Submit CIP to Banner Public Hearing notices for boards in Banner	3 Warrant Closes & BOS approves for publication	4
5 Warrant available online	6 Staff starts writing motions & scripts	7	8	9 CIP in Banner Warrant, budget & bylaws to Banner	10	11
12	13 BOS Meeting	14	15	16 Warrant, budget & bylaws in Banner	17	18
19	20 Town Officials' books assembled this week	21 Deadline for Staff to submit names for preliminary motion	22	23	24 Planning Board Report Due	25
26	27 FC Report Due BOS Meeting Deadline for material to Moderator	28 Moderator's Meeting? Town Officials' books finished	29	30	31	

DRAFT

# April 2017

SUNDAY	MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY	SATURDAY
						1
2	3 TOWN MEETING	4 TOWN MEETING?	5 TOWN MEETING?	6 TOWN MEETING?	7	8
9	10 BOS Meeting	11	12	13	14	15
16	17 Town Hall Closed	18	19	20	21	22
23	24 BOS Meeting	25	26	27	28	29
30						

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Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 11, 2016

6C

## BOARD OF SELECTMEN POLICY STATEMENT

### E-Mail Policy For Appointed And Elected Officials

Requested by: Town Manager David B. Panagore

Action Sought: Discussion/Approval

#### Proposed Motion(s)

**MOVE that the Board of Selectmen vote to approve Board of Selectmen Policy Statement 2016-07-11, E-Mail Policy for Appointed and Elected Officials as reviewed and approved by Town Counsel [as presented] [as revised].**

#### Additional Information

See attached E-Mail Policy.

#### Board Action

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



Provincetown Town Hall  
260 Commercial Street  
Provincetown, MA 02657  
[www.provincetown-ma.gov](http://www.provincetown-ma.gov)  
508-487-7003

Board of Selectmen

# Policy Statement

2016-07-11

## Town of Provincetown E-Mail Policy for Appointed and Elected Officials

The Town of Provincetown has adopted a comprehensive Electronic Communications and Computer Usage Policy, found in Chapter 13 of the Town's Personnel Regulations. This E-mail policy supplements Chapter 13, and provides guidelines relative to use of e-mail by elected and appointed town officials. Reference should be made to Chapter 13 of the Personnel Regulations, whenever further explanation is needed. Questions about this policy may be directed to the Town's MIS Department, at (508) 487-7004.

### Policy:

It is the policy of the Town that all elected/appointed officials who have been assigned a "provincetown-ma.gov" e-mail address for official use **must** in fact use that e-mail address for all Town business-related e-mail communications. For those elected/appointed officials who have not been assigned a "provincetown-ma.gov" e-mail address, all Town business-related e-mail communications **must** be copied to a staff person assigned to assist the official/board/committee/commission, or other board/committee/commission liaison, so that all e-mail sent or received by an appointed or elected official is able to be captured and archived through the Town of Provincetown's Computer Systems by the Systems administrator. Furthermore, antivirus software must be used when communicating through personal e-mail accounts for Town business-related e-mail communications.

### General Requirements and Guidelines:

Public Records - The Secretary of State's Office of the Commonwealth has determined that e-mail qualifies as "public records", as defined in Chapter 4, section 7(26) of the Massachusetts General Laws. In addition to the requirements set forth above, all users shall retain either a printed or digital record of e-mail sent by or received through the Town of Provincetown's Computer Systems, in the same manner that other paper records are kept by their departments, and in accordance with the state-issued Municipal Record Retention requirements.

### Required Closing Statement –

As the Secretary of State's Office has determined that e-mail is covered under the Public Records Law, the Town requires that the following disclaimer be included at the end of every e-mail:

*This electronic message is intended for the named recipient(s) only. If you received this message in error, please contact the sender and delete the copy you received. When responding, please be advised that the Office of the Secretary of State has determined that email is a public record.*

This statement will be automatically added to e-mails originating from a "provincetown-ma.gov" e-mail account. Appointed or elected officials who are not assigned a "provincetown-ma.gov" e-mail account are required to include this statement at the end of any e-mail sent from a personal e-mail account used for Town-related business.

Open Meeting Law – Under the Open Meeting Law, multi-member boards, committees and commissions may not conduct deliberations outside of a properly posted meeting. A "deliberation" is defined as "an oral or written communication through any medium, including electronic mail, between or among a quorum of a public body on any public business within its jurisdiction."

Members of a multi-member board, committee or commission must be mindful of Open Meeting Law Requirements when using e-mail. E-mail communications amongst members of a board/committee/commission may constitute an impermissible deliberation, in violation of the Open Meeting Law. As a general practice, members of a multi-member board, committee or commission should not use e-mail to communicate amongst themselves, even when these communications involve less than a quorum of total members, except for the following limited reasons:

Distribution of a meeting agenda, scheduling or procedural information, or reports or documents that may be discussed at a meeting is often helpful to public body members when preparing for upcoming meetings.

These types of communications generally will not constitute deliberation, provided that, when these materials are distributed, no member of the public body expresses an opinion on matters within the body's jurisdiction.

No Personal Use of Town-Issued E-mail Accounts – Because of the public records law implications on the use of e-mail, officials assigned "provincetown-ma.gov" e-mail addresses should not use these e-mail accounts for any personal communications.

**No Expectation of Privacy - Officials have no expectation of any right of privacy in e-mails sent or received through a "provincetown-ma.gov" e-mail address, regardless of whether that e-mail is created or stored on the Town's Computer Systems and equipment.** The Town retains the right to inspect any e-mails sent or received through a "provincetown-ma.gov" e-mail address, including any attachments to e-mails. The Town will exercise that right when reasonable and in pursuit of legitimate needs for supervision, control, and the efficient and proper operation of government. Officials should be aware that appropriately-authorized network administrators may monitor network traffic, and/or access all files, including e-mail files.

Confidential/Sensitive Material - Because e-mails sent or received by appointed or elected officials may be accessible to any other person as a public record, care should be taken when transmitting or receiving material that is sensitive or potentially impacts the privacy rights of third parties. The Internet does not guarantee the privacy and confidentiality of information. Sensitive material transferred over the Internet may be at risk of detection by a third party. Officials must exercise caution and care when transferring such material in any form.

Security - All usernames and passwords associated with Town-issued e-mail addresses are for the exclusive use of the individual to whom they are assigned. The user is personally responsible and accountable for all activities carried out under his/her username, and should take all reasonable precautions to protect his/her password. The password associated with a particular username must not be given or divulged to another person (with the exception of the Systems administrator). No one may use, or attempt to use, a username or password assigned to another person, or pose as another user. Individuals who do so are solely responsible for any repercussions that result in the violation of this policy.

Additional Guidelines –

- Users are required to maintain a suitable anti-virus solution.
- Users should be aware that opening programs or files attached to e-mail messages may cause computer viruses to infect the Town of Provincetown's Computer Systems, and thus should only open such attachments from anticipated and trusted sources.
- Officials shall not broadcast messages to all officials/employees via e-mail without permission from the Town Manager.

Adopted:  
In favor:  
Opposed:

**EXCERPT FROM BOS MEETING JANUARY 26, 2015**

**F. MIS Policy Issues regarding Emails for Board Members and Process to Implement Cloud Servers:**

Beau stated that the additional \$15,000 requested by the MIS Dept. in its FY2016 budget was to support the addition of email accounts for town board members. Beau stated that most towns on the Cape do not issue email addresses to volunteer board members. He noted several reasons for this, and cost was only one of them. He asked the BOS to consider the other implications, such as how we ensure these email accounts will be utilized; the need to establish an acceptable use policy to be signed by board members when they are sworn in; what level of service is expected from the MIS Dept. to support any problems board members may encounter, and how we can ensure the users are being responsible by having current anti-virus and anti-spam protection, as well as how to mitigate the town's risk as the result of irresponsible email usage. Beau included several comparisons for reference but felt that Microsoft and Google were the two having the most similar value; feature-by-feature. After giving an overview of detailed cost comparisons of these two companies, he recommended Microsoft.

Tom wants to see this moved forward and asked Beau to check into the specifics for moving to the cloud.

Erik is in favor of the cost savings by using the Microsoft product. He asked the BOS what their thoughts were on just having the chairs of the regulatory boards using these emails.

Cheryl stated that if staff is just asking to extend the town policy to include the boards for their emails, she has no problem with that.

Raphael believes there will be a cost savings for going to the cloud and asked Beau to work with the Finance Director and develop a cost analysis for a five year period in terms of what the cost savings will be.

**MOTION: Move that the Finance Director adjust the budget for the Board of Selectmen to reflect the MIS Director's recommendation.**

**Motion: Tom Donegan**

**Seconded: Cheryl Andrews**

**4/1/0 (Raphael Richter) Motion passed.**

**PARTIAL EXCEPT FROM BOS MEETING 12.01.14**

**D. Response to MIS Inquiries - Beau Jacket, MIS.**

...Email capabilities for regulatory boards were then discussed. Cheryl said that everyone should have email addresses.

Beau informed the Board that this has been included in the budget request for this year. If it gets approved in the budget process it would be implemented in July 2015. It would increase our agreement with Microsoft for a cost of about \$15K per year for licensing, storage, and other technical issues.

Cheryl asked how many active email addresses we handle right now.

Beau stated about 100. Discussion was held regarding the use of other companies and Beau noted that at this point Microsoft is the most effective.

Tom asked to look at other providers as well.

Robert wanted to know if we can explore with CapeNet.

Beau clarified that Cape.Com is what we would look at not CapeNet. Maybe as a part of the regional networking we may have an opportunity to pull with other towns to make things less expensive. He noted that there is no written policy as to who may have emails. It has just been a long standing unwritten policy that only staff has emails. The Board of Selectmen and School Committee are the only exceptions.

Robert reiterated that the increase is \$15,000 per year.

**Move that it is the policy of the Provincetown Board of Selectmen to provide email addresses using the provincetown-ma.gov domain for all Town elected boards, regulatory boards and the Finance Committee and have that capability in place by July 1, 2015.**

**Motion: Cheryl Andrews  
4/1/0 (RR)**

**Seconded: Robert Anthony**



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 11, 2016

6D

## AIRPORT COMMISSION

### Replacement of Runway Lighting (HIRLS) System

Requested by: Airport Commission & Airport Manager, 7/2016

Action Sought: Execute Grant

#### Proposed Motion(s)

**MOVE that the Board of Selectmen vote to execute a grant in the amount of \$443,412.00 from the Federal Aviation Administration (FAA) for the Replacement of the Runway Lighting (HIRLS) System for the Provincetown Municipal Airport.**

#### Additional Information

Funding Breakdown: FFA Grant 90% (\$443,412.00)  
MassDOT Aeronautics 5% (\$24,634.00)  
Town of Provincetown (Airport Budget) 5% (\$24,634.00)  
The grant has been approved as to form by Town Counsel.  
See page two (2) for additional information.

#### Board Action

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



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

101 Arch Street  
Boston, MA 02110  
T: 617.566.0007  
F: 617.654.1735  
www.k-plaw.com

June 24, 2016

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

BY FEDERAL EXPRESS

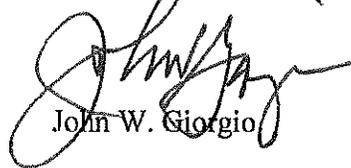
Mr. Arthur Lisenby  
Provincetown Airport Manager  
Provincetown Municipal Airport  
Race Point Road  
P.O. Box 657  
Provincetown, MA 02657

Re: Federal Aviation Administration Grant Agreement – Replace Runway 07/25 High Intensity Runway Lighting System

Dear Mr. Lisenby:

Enclosed please find two originals of the above-referenced agreement which I have signed and approved as to form.

Very truly yours,



John W. Giorgio

JWG/bp

Enc.

cc: Town Manager (w/o enc.)  
558202/24203/0001



Charles D. Baker, Governor  
 Karyn E. Polito, Lieutenant Governor  
 Stephanie Pollack, Secretary & CEO  
 Christopher J. Willenborg, Administrator



APPLICATION FOR ASSISTANCE

<b>1 DATE SUBMITTED</b>	May 2016	<b>AIRPORT:</b>	Provincetown Municipal Airport
<input checked="" type="checkbox"/> APPLICATION	<input checked="" type="checkbox"/> CONSTRUCTION	<b>CITY:</b>	Provincetown
<input type="checkbox"/> PREAPPLICATION	<input type="checkbox"/> PLANNING	<input checked="" type="checkbox"/> PUBLIC	<input type="checkbox"/> PRIVATE
<b>MASSACHUSETTS AIRPORT SYSTEM PLAN (MASP) AIRPORT RANKING</b>			
<b>AIRPORT CONSULTANT</b>		Jacobs Engineering Group, Inc.	
<b>CONGRESSIONAL DISTRICT</b>		9th	

<b>2 PROJECT TITLE</b>
Replace Runway 7-25 High Intensity Runway Lighting (HIRL) System
<b>PROJECT DESCRIPTION</b>
The project involves replacement of fifty (50) Runway HIRL system lights and eight (8) Taxiway Intersection lights that are part of the HIRL circuit. The existing lights exhibit excessive premature deterioration under the anticipated 20 year life span and currently require a higher than usual frequency of maintenance. Therefore, the lights and supporting infrastructure need to be replaced. Replacement of the lights will ensure an up-to-standard system, well extended life span, improved system reliability, reduced maintenance frequency, and high safety standards for the existing Runway 7 precision approach and Runway 25 non-precision approach.
ATTACH 8 1/2" X 11" SKETCH SHOWING THE LOCATION OF THE PROJECT

<b>3 PROJECT COST BREAKDOWN</b>				
	AIP ELIGIBLE	ASMP ELIGIBLE	INELIGIBLE	TOTAL
ENGINEERING	\$151,394.83	\$0.00	\$0.00	\$151,394.83
CONSTRUCTION	\$335,284.00	\$0.00	\$0.00	\$335,284.00
EQUIPMENT	\$0.00	\$0.00	\$0.00	\$0.00
OTHER	\$0.00	\$0.00	\$0.00	\$0.00
ADMINISTRATION	\$6,001.17	\$0.00	\$0.00	\$6,001.17
<b>TOTAL PROJECT COST</b>	<b>\$492,680.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$492,680.00</b>

<b>4 PROJECT FUNDING BREAKDOWN</b>				
	AIP ELIGIBLE	ASMP ELIGIBLE	INELIGIBLE	TOTAL
FAA SHARE 90%	\$443,412.00			\$443,412.00
STATE SHARE 5%	\$24,634.00	\$0.00		\$24,634.00
LOCAL SHARE 5%	\$24,634.00	\$0.00	\$0.00	\$24,634.00
<b>TOTAL PROJECT COST</b>	<b>\$492,680.00</b>	<b>\$0.00</b>	<b>\$0.00</b>	<b>\$492,680.00</b>

<b>5 PROJECT SCHEDULE</b>	
<b>START DATE</b>	November 2016
<b>COMPLETION DATE</b>	May 2017



U.S. Department  
of Transportation  
Federal Aviation  
Administration

**GRANT AGREEMENT**

**PART I – OFFER**

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Date of Offer MAY 10 2016

Airport/Planning Area Provincetown Municipal

AIP Grant Number 3-25-0043-041-2016

DUNS Number 088522842

TO: Town of Provincetown, Massachusetts  
(herein called the "Sponsor")

FROM: **The United States of America** (acting through the Federal Aviation Administration, herein called the "FAA")

**WHEREAS**, the Sponsor has submitted to the FAA a Project Application dated May 2, 2016, for a grant of Federal funds for a project at or associated with the Provincetown Municipal Airport, which is included as part of this Grant Agreement; and

**WHEREAS**, the FAA has approved a project for the Provincetown Municipal Airport (herein called the "Project") consisting of the following:

Replace Runway 07/25 High Intensity Runway Lighting (HIRLs) System,

which is more fully described in the Project Application.

**NOW THEREFORE**, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, and the Sponsor's acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES** to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

**CONDITIONS**

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$443,412.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

- \$0 for planning
- \$443,412 for airport development or noise program implementation
- \$0 for land acquisition.

2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the project period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.

3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Indirect Costs – Sponsor.** Sponsor may charge indirect costs under this award by applying the indirect cost rate identified in the project application and as accepted by the FAA to allowable costs for Sponsor direct salaries and wages.
5. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
5. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.

7. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
8. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor **on or before July 11, 2016**, or such subsequent date as may be prescribed in writing by the FAA.
9. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.
10. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
11. **System for Award Management (SAM) Registration And Universal Identifier.**
  - A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
  - B. Requirement for Data Universal Numbering System (DUNS) Numbers
    1. The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
    2. The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
    3. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5771) or on the web (currently at <http://fedgov.dnb.com/webform>).
12. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi Invoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
13. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or

five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.

The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.

The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.

An informal letter amendment has the same force and effect as a formal grant amendment.

14. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.
15. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.
16. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
17. **Maximum Obligation Increase For Primary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
  - A. May not be increased for a planning project;
  - B. May be increased by not more than 15 percent for development projects;
  - C. May be increased by not more than 15 percent for land project.
18. **Audits for Public Sponsors.** The Sponsor must provide for a Single Audit in accordance with 2 CFR Part 200. The Sponsor must submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. The Sponsor must also provide one copy of the completed 2 CFR Part 200 audit to the Airports District Office.
19. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:
  - A. Verify the non-federal entity is eligible to participate in this Federal program by:
    1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if non-federal entity is excluded or disqualified; or
    2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
    3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
  - B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
  - C. Immediately disclose to the FAA whenever the Sponsor: (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.

**20. Ban on Texting While Driving.**

- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
  2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
    - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
    - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.
- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

**21. Trafficking in Persons.**

- A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity). Prohibitions include:
1. Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
  2. Procuring a commercial sex act during the period of time that the agreement is in effect; or
  3. Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
- B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
1. Is determined to have violated the Prohibitions; or
  2. Has an employee who the FAA determines has violated the Prohibitions through conduct that is either:
    - a. Associated with performance under this agreement; or
    - b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, "OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement)," as implemented by the FAA at 2 CFR part 1200.

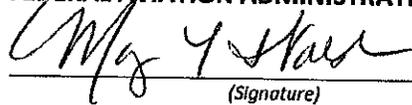
**22. AIP Funded Work Included in a PFC Application:**

Within 90 days of acceptance of this award, Sponsor must submit to the Federal Aviation Administration an amendment to any approved Passenger Facility Charge (PFC) application that contains an approved PFC project also covered under this grant award. The airport sponsor may not make any expenditure under this award until project work addressed under this award is removed from an approved PFC application by amendment.

3. **Exhibit "A" Property Map.** The Exhibit "A" Property Map dated November 2001 attached to AIP grant 3-25-0043-025-2009, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.
24. **Lighting.** The Sponsor must operate and maintain the lighting system during the useful life of the system in accordance with applicable FAA standards.
25. **Plans and Specifications Approval Based Upon Certification.** The FAA and the Sponsor agree that the FAA approval of the Sponsor's Plans and Specification is based primarily upon the Sponsor's certification to carry out the project in accordance with policies, standards, and specifications approved by the FAA. The Sponsor understands that:
  - A. The Sponsor's certification does not relieve the Sponsor of the requirement to obtain prior FAA approval for modifications to any AIP standards or to notify the FAA of any limitations to competition within the project;
  - B. The FAA's acceptance of a Sponsor's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements;
  - C. If the FAA determines that the Sponsor has not complied with their certification statements, the FAA will review the associated project costs to determine whether such costs are allowable under AIP
26. The FAA, in tendering this offer on behalf of the United States, recognizes the existence of an agency relationship between the Town of Provincetown, Massachusetts, as principal, and the Massachusetts Aeronautics Commission, as agent, created by an Agreement of Agency dated March 13, 1971, which is incorporated herein by reference. The sponsor agrees that said Agency Agreement will not be amended, modified or terminated without the prior written approval of the FAA.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**

  
\_\_\_\_\_  
(Signature)

Mary T. Walsh  
\_\_\_\_\_  
(Typed Name)

Manager, Airports Division  
\_\_\_\_\_  
(Title of FAA Official)

**PART II - ACCEPTANCE**

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.<sup>1</sup>

Executed this 23<sup>RD</sup> day of JUNE, 2016.

Town of Provincetown, Massachusetts

(Name of Sponsor)



(Signature of Sponsor's Authorized Official)

By: ARTHUR LISENSKY

(Typed Name of Sponsor's Authorized Official)

Title: AIRPORT MANAGER

(Title of Sponsor's Authorized Official)

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, John W. Giorgio, acting as Attorney for the Sponsor do hereby certify:  
(Typed Name of Sponsor's Attorney)

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the Commonwealth of Massachusetts. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at BOSTON, MA (location) this 24<sup>th</sup> day of JUNE, 2016.

By:   
(Signature of Sponsor's Attorney)

Kopelman and Page, PC

<sup>1</sup> Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

**SIGNATURE PAGE**

BETWEEN: **PROVINCETOWN AIRPORT COMMISSION / TOWN OF PROVINCETOWN**  
AND **FEDERAL AVIATION ADMINISTRATION (FAA)**

REF: **GRANT AGREEMENT: REPLACE RUNWAY 07/25 HIGH INTENSITY RUNWAY LIGHTING (HIRLS) SYSTEM.**

DATED: PROJECT # **3-25-0043-041-2016**

CONTRACT #

BOARD OF SELECTMEN APPROVAL

\_\_\_\_\_  
Raphael Richter, Chairman

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

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

\_\_\_\_\_  
Thomas Donegan

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



Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 11, 2016

6E

## MONOMOY REFUGE BOUNDARY

### Approve Letter to Congressman William Keating

Requested by: Board of Selectmen

Action Sought: Discussion/Approval

#### Proposed Motion(s)

**MOVE that the Board of Selectmen vote to approve a letter to Congressman William R. Keating requesting his continued support for the Town of Chatham and Commonwealth regarding the Monomoy Refuge Boundary [as presented] [as revised].**

#### Additional Information

See attached draft letter.

#### 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 11, 2016

The Honorable William R. Keating (DRAFT)  
315 Cannon House Office Building  
Washington, DC 20515

Re: Continued Support for the Town of Chatham and Commonwealth – Monomoy Refuge Boundary

Dear Representative Keating:

On behalf of the Provincetown Board of Selectmen, I write today in support of the Town of Chatham's request for a legislative remedy to reverse the U.S. Fish and Wildlife Service's (Service) unsubstantiated claim over the open waters and seabed to the west of Monomoy National Wildlife Refuge (Refuge) implemented as part of the recently adopted Comprehensive Conservation Plan.

The Refuge and the waters that surround it are some of the Cape's most valuable natural resources. For decades residents and visitors alike have utilized Monomoy and the surrounding waters for fishing, shellfishing, swimming, boating, birding, and other recreational pursuits. These historic and traditional uses are now threatened by the federal government's claim that the open waters and seabed to the west of Monomoy Island are part of the Refuge and subject to restrictions determined by the Service.

The Refuge boundary dispute with the Service is not about stewardship of the area's natural resources. The Town of Chatham and the Commonwealth have spent millions of dollars over decades ensuring the areas fisheries and shellfish resources are sustainably managed and endangered species protected. The Town and Commonwealth have much greater capacity to monitor and enforce rules and regulations necessary to ensure long-term management, especially on the open waters. The proposed legislation would permanently resolve this dispute and eliminate any possibility of the issue arising in future Refuge management plan revisions.

We ask that you demonstrate your support for the Town of Chatham and the Commonwealth by introducing and supporting legislation clarifying the Refuge's western boundary.

Sincerely,

Raphael W. Richter, Chairman  
Provincetown Board of Selectmen

RWR:ljd  
cc: Town of Chatham

**From:** Jill Goldsmith [<mailto:jgoldsmith@chatham-ma.gov>]

**Sent:** Monday, June 27, 2016 9:26 AM

**To:** Bob; [jbeebe@eastham-ma.gov](mailto:jbeebe@eastham-ma.gov); [brian.carlson@wellfleet-ma.gov](mailto:brian.carlson@wellfleet-ma.gov); [cclark@town.harwich.ma.us](mailto:cclark@town.harwich.ma.us); [rccollins@mashpeema.gov](mailto:rccollins@mashpeema.gov); [jdouglas@town.brewster.ma.us](mailto:jdouglas@town.brewster.ma.us); Maggie Downey; [gdunham@townofsandwich.net](mailto:gdunham@townofsandwich.net); [mark.ells@town.barnstable.ma.us](mailto:mark.ells@town.barnstable.ma.us); [membury@brewster-ma.gov](mailto:membury@brewster-ma.gov); David Gardner; [lgibson@nantucket-ma.gov](mailto:lgibson@nantucket-ma.gov); [cgreenhalgh@town.harwich.ma.us](mailto:cgreenhalgh@town.harwich.ma.us); [tguerino@townofbourne.com](mailto:tguerino@townofbourne.com); [hharper@falmouthmass.us](mailto:hharper@falmouthmass.us); [PStaub@yarmouth.ma.us](mailto:PStaub@yarmouth.ma.us); [jkelly@town.orleans.ma.us](mailto:jkelly@town.orleans.ma.us); [dlapp@townofsandwich.net](mailto:dlapp@townofsandwich.net); [rcjlr5@gmail.com](mailto:rcjlr5@gmail.com); [tom.lynch@town.barnstable.ma.us](mailto:tom.lynch@town.barnstable.ma.us); [markjoyce900@gmail.com](mailto:markjoyce900@gmail.com); [tmayo@mashpeema.gov](mailto:tmayo@mashpeema.gov); [merriamjr@gmail.com](mailto:merriamjr@gmail.com); Rae Ann Palmer; David Panagore; [vanderhoef@hotmail.com](mailto:vanderhoef@hotmail.com); [msuchenicz@town.orleans.ma.us](mailto:msuchenicz@town.orleans.ma.us); [esullivan@town.dennis.ma.us](mailto:esullivan@town.dennis.ma.us); [charleslsumner33@gmail.com](mailto:charleslsumner33@gmail.com); [jsuso@falmouthmass.us](mailto:jsuso@falmouthmass.us); [townadministrator@wellfleet-ma.gov](mailto:townadministrator@wellfleet-ma.gov); [gtivnan@nantucket-ma.gov](mailto:gtivnan@nantucket-ma.gov); Elisabeth Verde; [rwhite@town.dennis.ma.us](mailto:rwhite@town.dennis.ma.us); [rwhritenour@oakbluffsma.gov](mailto:rwhritenour@oakbluffsma.gov); Jack Yunits Jr; Katie Sagarin McCue ([kmccue@mma.org](mailto:kmccue@mma.org)); Melissa Arrighi

**Subject:** RE: Letter of (Continued) Support for the Town of Chatham and Commonwealth - Monomoy Refuge Boundary; Request to Support Legislation by Congressman Keating

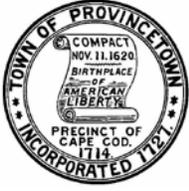
**Importance:** High

All - I'm following-up on a previous request for support with *goods news*; Congressman Keating has agreed to file legislation that would permanently define the Monomoy Refuge boundaries in a manner that is consistent with the historic interpretation of the original (1944) Order of Taking. As you are likely aware, it has been both Chatham's and the Commonwealth's belief that the U.S. Fish And Wildlife Service's (USFWS) jurisdictional authority extended only so far as mean-low-water, and did not reach into, or include, the submerged lands, waters, and discontinuous intertidal flats that lie West of the barrier-beach system (lands, marshes, and inland waters of Monomoy).

Our neighboring towns and counties have been very supportive of all the efforts that have been made to date concerning Monomoy, and we greatly appreciate that. It is our hope that you will continue to support the collective effort for Chatham and the Commonwealth (via the AG's Office) to seek a legislative solution to clarify and codify the boundary with the USFWS, and that you will send a letter (draft attached) to Congressman Keating advising of your support for his legislative efforts. Time is of the essence as legislation will be filed following the July 4<sup>th</sup> recess. Thank you!

Jill R. Goldsmith, Chatham Town Manager  
549 Main Street, Chatham MA 02633  
508.945.5105 ph | 508.945.3550 fx | 774.212.6066 cell | [www.chatham-ma.gov](http://www.chatham-ma.gov)

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Provincetown Board of Selectmen  
**AGENDA ACTION REQUEST**  
Monday, July 11, 2016

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## TOWN MANAGER'S REPORT

### Administrative Updates

Requested by: Town Manager David Panagore

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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## OTHER

Requested by: Town Manager David Panagore

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  
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## MINUTES OF BOARD OF SELECTMEN'S MEETINGS

Requested by: BOS Secretary

Action Sought: Approval

Proposed Motion(s)

**None.**

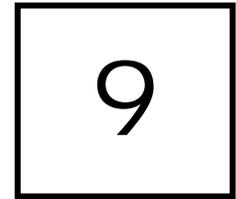
Additional Information

Board Action

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



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## CLOSING SELECTMEN'S STATEMENTS

### Administrative Updates

Requested by: Town Manager David Panagore

Action Sought: Discussion

#### Proposed Motion(s)

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

**Robert Anthony**

**Erik Yingling**

**Tom Donegan**

**Cheryl Andrews**

**Raphael Richter**

#### Additional Information

- A. Thank you letter to Mark Boucher who resigned from the Beautification Committee effective July 5, 2016.

#### Board Action

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

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

July 11, 2016

Mr. Mark Boucher  
15 Atwood Avenue  
Provincetown, MA 02657

Dear Mr. Boucher;

The Board of Selectmen has received notice of your resignation from the Beautification Committee effective July 5, 2016. We want to extend our thanks to you for your dedicated service and expertise during the time that you served on the Beautification Committee.

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,

Raphael W. Richter, Chairman  
Provincetown Board of Selectmen

RWR:ld

July 5, 2016

Dear Doug,

I will unfortunately be resigning as a member of the Provincetown Beautification Committee. Between now working full-time, caring for aging parents, and several other commitments that I've taken on I feel that I will not have the time, energy or enthusiasm to continue as a member of the Committee.

All the Best,

A handwritten signature in black ink, appearing to read 'Mark Boucher', written over a horizontal line.

Mark Boucher

