

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

## REGULAR MEETING – MONDAY, JULY 13, 2009

### LARKIN HALL

Chairman Michele Couture convened the meeting at 6:05 PM noting the following Board of Selectmen attending: Michele Couture, Elaine Anderson, Mary-Jo Avellar, Austin Knight, and David Bedard

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner, Municipal Finance Director Alix Heilala, Town Counsel John Giorgio

Recorder: Vernon Porter

The following are meeting minutes, in brief:

#### 1A WASTEWATER SYSTEM UPDATE

David Guertin, Rob Adams- AECOM, Brian Dudley, DEP - John Cardoni – AECOM, Paul Roux and Steve Nero, – Woodward & Curran, Brian Newbury, Counsel for AECOM, Brian Carlson & Jane Evans Town of Provincetown Health Department, and Sandy Turner, DPW.

Town Manager Sharon Lynn gave a brief update of the weekend report submitted by DPW which the Board has, and is self-explanatory, and most of which was homeowner related and internal problems.

Town Counsel – met with Town Manager and drafted a letter to AECOM’s insurance company on behalf of the Town. AECOM’s insurance company will send an investigation team to try and determine fault or liability. Woodward & Curran’s insurance company has also been notified.

AECOM – Their investigation to determine what happened is underway. Rob Adams – the investigation is still ongoing

David Guertin – we are engaging DEP (Brian Dudley is here this evening to answer any questions.

DEP – Brian Dudley said they are conducting their own investigation as well. A Notice of Non-Compliance may be possible, or something more serious. The main intent of the investigation is to determine what can be done to make sure that this does not happen again.

Mary-Jo Avellar - Smell of sewage was rife near where I work, and have noticed it over the past several months, and maybe this was an indication and we weren’t aware of it. Dr. Mayo said that the Conservation Commission was not notified. Brian Carlson – said that Dennis Minsky, Chair of the ConCom was the one who notified him of the incident. Beach testing was done and all clear.

Mary-Jo Avellar – Adults, children, and dogs were walking through raw sewage, and it took three days before disinfection took place, and AECOM did not do this properly and on time.

I don’t trust the system to get us through the summer. What do we do for those residents who have damage while the legal fight goes on?

What doesn’t work is the vacuum. Air Vac - how old is this company? They sold the system to Metcalf and Eddy. Mr. Adams – don’t know how old, but do know that they have hundreds of systems all over the world.

John Giorgio – the Town Manager and I have been discussing the possibility of seeking an independent engineering firm to review the design and operation of the vacuum sewer system.

**MOTION: Move that the Board of Selectmen vote to secure an independent Engineering Firm to review the sewer system.**

**Motion: Mary-Jo Avellar      Seconded by: Elaine Anderson      Yea 5    Nay 0**

**Austin Knight** - 1) Concerned over the notification to the Board of Selectmen of when things happened. 2)

Clean up of streets not done on a timely fashion. 3) When are we going to get your timeline reports? Answer: Shortly. Consider a thicker pipe – then schedule 40 pipe should be reconsidered.

**Elaine Anderson** - Astonished that we were not able to isolate areas much quicker. Is there a plan to upgrade this system so that you can identify areas more quickly? I firmly believe that a community emergency response program needs to be looked into and expedited as soon as possible.

**David Bedard** - There were communication issues all the way down the line. Request a report from the Town Manager's Office regarding the Department's response to the emergency. Town Manager Sharon Lynn – We have discussed this with our staff, and the future Emergency Plan will advise the Town Manager, and the process will be expedited from there. The Board of Selectmen can be assured that they will be in the loop.

AECOM – Reports should be completed within the next couple of weeks. DEP investigation should be completed within a month.

**Michele Couture** - Needs to be better response. Wants to know what kind of training is done at Woodward & Curran and AECOM, and there should be a mock emergency training/drill program for operators down the road. Is not happy with AECOM in that they do not have an office here for people to respond to, and ask that they work with the Town Manager, set one up immediately.

**Austin Knight** – Wants a survey of private property to determine where there needs to be additional remediation, are.

**John Giorgio** – Metcalf & Eddy is the sole company responsible for this contract to the town.

**Elaine Anderson** - Is there something that the community should know, i.e., a notice to guest houses and restaurants to remind people about water conservation and educate the public on the sewer system and what should not be thrown into the system?

**Brian Dudley** – Primary impression at this point of the investigation will require some procedural changes, and capital improvements in the operation system.

**Michele Couture** – Want weeks chain of events. Also wants some response by the end of the week from AECOM to have an insurance office here in town.

**1B FIREHOUSE #2 – RENOVATION**  
189 Commercial Street – Bid Update and Schedule

Reviewed the contents of his memo that is attached to the agenda item.

**MOTION:** *Move that the Board of Selectmen vote to proceed with the bid document for Firehouse #2.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight      **Yea 5    Nay 0**

Request that construction start mid-October. Look into grants to try to include eco-flooring and roof, if possible. Look into whether alternative energy sources can be included, and whether they would be acceptable to the Historic District Commission.

**1C JULY 4<sup>TH</sup> POLICE DEPARTMENT BRIEFING**

Chief Jaran gave briefing of his report attached to agenda item. Imperative that the Board of Selectmen recognizes the need for more officers/manpower, and is thankful for the Sherriff's office for their assistance. The need for manpower is at its highest, and he needs all the resources he can get. The trade of officers from Truro was a great asset.

The Board and Town Manager felt the entire Police Department did an outstanding job.

Board would like to reinstitute receiving monthly Police reports.

**MOTION:** *Move that the Board of Selectmen vote to send a letter of thanks to all the Police Departments and Rescue Squad for the 4<sup>th</sup> of July festivities.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** David Bedard      Yea 5    Nay 0

**1D    TOWN MANAGER'S EVALUATION**

**MOTION:** *Move that the Board of Selectmen vote to table this agenda item.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Elaine Anderson      Yea 5    Nay 0

**2.    PUBLIC STATEMENTS**

George Bryant – 1) Gave the Board reports by Warren Smith – Monitoring The Human Condition Study 2009. 2) The Town should have taken advantage of the County Health Department office as a resource on the July 4th weekend and any other time that there is an emergency. 3) Hope that the Board will not accept the connection in the current sewer system.

Michael Rogovsky - Thanked the Board for speaking up about the sewer system. Feels the police did an excellent job during the 4<sup>th</sup> of July.

**3.    SELECTMEN STATEMENTS**

**David Bedard**

Special thanks to Town Manager Sharon Lynn for all her efforts during the July 4<sup>th</sup> Holiday weekend.

**MOTION:** *Move that the Board of Selectmen vote to send a Proclamation to the Town of Provincetown Truro in celebrating their Tri-Centennial.*

**Motion by:** David Bedard      **Seconded by:** Mary-Jo Avellar      Yea 5    Nay 0

Definitely need a public hearing in the fall re: Bicycle Safety on Commercial Street.

**Elaine Anderson**

Several people concerned that there are not enough bike racks in town. David Gardner – The VSB plans on installing 10 bike racks throughout town in the very near future.

Need to replace bike racks at Town Hall – especially the ones that were removed by construction. Also should have the banner run an article when racks are installed.

Agrees with David Bedard that there is a need for bike safety forum.

**Austin Knight**

**MOTION:** *Move that the Board of Selectmen vote to send a letter to the Massachusetts Municipal Association, and Representative Michael J. Rodriguez of Westport, MA re: House Bill 3675 opposing Verizon's changes to Cable Franchise License.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight      Yea 5    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to support sending Selectmen Austin Knight to the State House to represent the Board of Selectmen at the Public Hearing on Comcast Cable fees, July 23, 2009.*

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

Next town meeting – would like to see information for a possible article regarding reverse 911 brought forth.

Proclamation for family week – put on next agenda.

Draft report for Police Station will be out shortly.

Mary-Jo Avellar

**MOTION:** *Move that the Board of Selectmen vote to send a letter of condolence to David Atkinson and his family for the loss of his brother John Atkinson.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight      Yea 5    Nay 0

Protocol – table tents in restaurants – would be a good idea to initiate this protocol again and send them out to all guest houses and restaurants.

The CCN Seashore removed the wooden walkway at the North Parking lot, and could not access the beach because of erosion. The CCNS is simply not taking care of the parking Lot.

**MOTION:** *Move that the Board of Selectmen vote to send a letter to Superintendent Price to ask what happened to the walkway, and what they plan to do in keeping up the parking lot.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight      Yea 5    Nay 0

Michele Couture

**MOTION:** *Move that the Board of Selectmen vote to send a letter of condolence to Tom Dahill family.*

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

4. APPOINTMENTS – None at this time.

5A PREPARATION FOR NEW FLOOD INSURANCE RATE MAPS

Open discussion. No motions made.

5B1 PARADE PERMIT – AIDS SUPPORT GROUP OF CAPE COD

Conclusion of 7<sup>th</sup> Annual Harbor to the Bay Bike Ride

**MOTION:** *Move that the Board of Selectmen vote to approve the parade application permit submitted by Director of Public Affairs Kim Shkapich on behalf of the AIDS Support Group of Cape Cod, to hold their conclusion of 7<sup>th</sup> Annual Harbor to the Bay Bike Ride on Saturday, September 12, 2009, starting at 6:30 PM to 7:00 PM.*

**Motion by:** Austin Knight      **Seconded by:** Mary-Jo Avellar      Yea 5    Nay 0

5B2 PARADE PERMIT – BBSC ENDURANCE SPORTS

Multi Sport Race Management Company

**MOTION:** *Move that the Board of Selectmen vote to table.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Elaine Anderson      Yea 5    Nay 0

5C TREASURER’S TRANSFER – John A. Henry Trust Fund

**MOTION:** *Move that the Board of Selectmen vote as Commissioners of the Trust Funds, to approve the transfer of \$2,085.00 from the John A. Henry Trust Fund for the payment of the attached invoice(s).*

**Motion by:** Austin Knight      **Seconded by:** Mary-Jo Avellar      Yea 5    Nay 0

6A TOWN MANAGER FOLLOW-UP

Town Hall, Phase I continuing, and expected to be completed by the end of the month. Phase I and II contractor will likely have an overlap at the site. Painting continues now that the weather has improved. David Atkinson will pollard the trees starting tomorrow. Fencing will remain around town hall for the next phase.

Finished interviews for the Library Director, and hope to make a decision within the next week or so.

**6B OTHER**

Alix Heilala – gave a brief overview of the end of year transfers. FinCom did approve, and also voted, to transfer snow and ice deficit from the Emergency Reserve. Also, there will be a full accounting of cost related to the July 4<sup>th</sup> sewer emergency.

**MOTION:** *Move that the Board of Selectmen vote to approve End of Year Transfers in the amount of \$120,257.00.*

**Motion by:** Mary-Jo Avellar      **Seconded By:** Austin Knight      **Yea 5    Nay 0**

Austin Knight – reminder – going through old town articles to see if there is any money in them. Alix reminded everyone that this will be part of the Fiscal Year End review.

Austin Knight - wants a breakdown of the Building & Grounds expenses.

**6C SET DATE FOR SPECIAL TOWN MEETING and SET DATES FOR OPENING AND CLOSING OF WARRANT**

**MOTION:** *Move that the Board of Selectmen vote to set the date of Monday, September 14, 2009 for a Special Town Meeting to commence at 6:00 PM.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight      **Yea 5    Nay 0**

**MOTION:** *Move that the Board of Selectmen vote to open the Monday, September 14, 2009, Special Town Meeting warrant at 8:00 AM on Monday, August 10, 2009, and to close it on Thursday, August 13, 2009 at 12 Noon, in accordance with Charter §2-1-7.*

**Motion by:** Mary-Jo Avellar      **Seconded by:** Austin Knight      **Yea 5    Nay 0**

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

None at this time.

**8. CLOSING STATEMENTS**

Austin Knight - None      David Bedard - None      Mary-Jo Avellar – None

Elaine Anderson – None      Michele Couture - None

Motion to adjourn by Austin Knight at 9:08 PM

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
July 16, 2009