

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, AUGUST 24, 2009

## LARKIN HALL

Chairman Michele Couture convened the meeting at 6:00 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

Recorder: Vernon Porter

The following are meeting minutes, in brief:

### 1A PUBLIC HEARING – NSTAR

Underground Cable & Conduit – Property located at 260 Commercial Street

Chairman Couture read the Public Hearing into the record.

Karen Corriveau represented NSTAR and answered questions from the Board.

***MOTION: Move that the Board of Selectmen vote pursuant to MGL C. 166 §22 to:***

- A) Approve the request of NSTAR to install 40 feet of cable and conduit from Pole 2/45 (located on Bradford Street) under the roadway to provide underground service for the premises known as 260 Commercial Street, Provincetown, MA. and further;***
- B) Request that NSTAR provide an as-built plan to the property owner showing actual location and depth after installation; and further that such plans to be recorded at Town Hall, and further;***
- C) That the property owner and/or his agent notify in writing or in person the following:  
The abutters, Police Department, Fire Department and Department of Public Works of the start date of construction and date of completion.***

**Motion by: Elaine Anderson                      Seconded by: David Bedard  
Yea 4    Nay 1 (Mary-Jo Avellar)**

### 1B NSTAR – EASEMENT - Property located at 250 Commercial Street

***MOTION: Move that the Board of Selectmen vote to grant the following easements to NSTAR Electric, a Massachusetts corporation having a principal place of business at 800 Boylston Street, Boston, Suffolk County, Massachusetts to perform the following easements at Town Hall, 260 Commercial Street, Provincetown.***

- A) The installation and/or existence of said lines and that the easement shall be 15 feet in with and further;***
- B) The location of said easement shall be established by the installation of the transformer foundation, by the grantor.***

**Motion by: Elaine Anderson                      Seconded by: David Bedard                      Yea 5    Nay 0**

*(For Titles see Book 174 Pages 1-2-& 3 as recorded at Barnstable County Registry of Deeds)*

### 1C HEALTH INSURANCE FOR RETIREES: M.G.L. C. 32B § 18

Joint Meeting with Insurance Advisory Commission

In attendance: Chair James Meads, David McGlothlin, Joyce Mathews, Michael Carr, Pamela Hudson, Linda O'Brien, Paul Gavin, Cheryl Duarte and Warren Alexander.

Chair Meads read into the record the recommendations of the Insurance Advisory Commission which supports the acceptance of Chapter 32B Section 18 with the condition that the Town should continue to pay the same percentage of the Part B premium as they pay for town insurance.

Chairman Couture gave a brief overview of the 4 o'clock meeting held between the Board of Selectmen and

Benefits Administrator Pam Hudson regarding this matter.

Open discussion ensued. No motions made.

## 2. **PUBLIC STATEMENTS**

Richard Silva - Wants the town to consider retirees before they do anything with Health Insurance and Medicaid that could further impact seniors on fixed income. Also wants the town to pick up 80% of the cost for accepting Section 18.

Robert Studley - Town should investigate why Barnstable County does not allow elderly couples insurance at the individual rate rather than the family rate.

Rachel White – We should wait until the State mandates Section 18.

Michael Rogovsky – As a tax payer, we have to bring all our town facilities up to par, including the police station. We definitely need a new police station.

## 3. **SELECTMEN STATEMENTS**

### **Mary-Jo Avellar**

NSTAR issues on Winslow Street should be continued to be addressed. Fire Chief reported that wires at Snail Road and Commercial Street were insufficient and is now being upgraded.

***MOTION: Move that the Board of Selectmen vote to send a letter to State Rep Sarah Peake and the Department of Utilities to address the Winslow Street issue. .***

***Motion by: Mary-Jo Avellar      Seconded by: Austin Knight  
Yea 1 (Mary-Jo Avellar)    Nay 4 (Motion Failed)***

### **David Bedard**

Great time at Carnival. DPW did a great job cleaning up after Carnival. Thanked town meeting for purchasing the new street sweeper.

***MOTION: Move that the Board of Selectmen vote to send a thank you to Julian Popko for his decoration of the bench this year on the Pier.***

***Motion by: David Bedard      Seconded by: Austin Knight    Yea 5    Nay 0***

Received an email from the owners of 4 Conwell Street regarding the Dexter's encroachment and understand that the hedges were only cut back a foot. The Town should pursue enforcement to ensure the encroachment is removed unless a compromise can be reached.

### **Elaine Anderson**

Enjoyed the Carnival very much and glad it was successful.

Also want to thank the Insurance Advisory Committee for appearing before us this evening and for all their hard work.

Are recycle bins available for sale? Answer– Yes. \$5.00 each at the Transfer Station.

### **Austin Knight**

If the Fire Chief would send us a letter about the wire service at the corner of Snail Road and Commercial Street then we can move forward and contact NSTAR. Question to NSTAR, at what point is NSTAR liable for the cost of the loss of power in the town. We should have a discussion in the future about emergency power generators installed in town. Request NSTAR provide a written response regarding the recent power outage.

Challenges with pharmacy at Stop & Shop. 3 to 4 hour wait for prescriptions

***MOTION: Move that the Board of Selectmen vote to have the Town Manager send a letter to Stop & Shop***

*asking them to improve pharmacy services (shorter wait times) and improve communications with Outer Cape Health. .*

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

Michele Couture

**MOTION:** *Move that the Board of Selectmen vote to send a letter of thanks to DPW and Police workers for excellent job during Carnival*

Motion by: Michele Couture      Seconded by: Elaine Anderson      Yea 5    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to send a letter of thanks to the Summer Police Officers thanking them for their service and welcome them to come back next year.*

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

**MOTION:** *Move that the Board of Selectmen vote to send a letter of thanks to Philip Tarvers for his service on the Provincetown Public Pier Corporation Board of Directors.*

Motion by: Michele Couture      Seconded by: David Bedard      Yea 5    Nay 0

#### 4. APPOINTMENTS

Board of Selectmen interviewed the following applicants: George Bryant, Richard Wood and Francis (Grassy) Santos.

**MOTION:** *Move that the Board of Selectmen vote to appoint George Bryan as a member of the Provincetown Public Pier Corporation Board of Directors for a term to expire on June 29, 2014.*

Motion by: Mary-Jo Avellar      Seconded by: No Second

**MOTION:** *Move that the Board of Selectmen vote to appoint Richard Wood as a member of the Provincetown Public Pier Corporation Board of Directors for a term to expire on June 29, 2014.*

Motion by: David Bedard      Seconded by: Austin Knight  
Yes 3    Nay 2 (Mary-Jo Avellar / Elaine Anderson)

#### 5A PARADE PERMIT REQUEST

BBSC Endurance Sports, Multi Sport Race Management Company

**MOTION:** *Move that the Board of Selectmen vote to approve the parade permit application submitted by Kelly Fattman, BBBC 6130 Elton Avenue, Las Vegas, Nevada, to hold a Road Race – 24 Endurance Event, to be held on Sunday, May 2, 2010 from 9:15 AM to 6:00 PM; with all permits and approvals in place.*

Motion by: Austin Knight      Seconded By: David Bedard      Yea 5    Nay 0

#### 5B TOWN HALL PHASE II - CONTRACT – North East Interiors

**MOTION:** *Move that the Board of Selectmen vote, as requested by Town Manager Sharon Lynn, to approve the contract of the lowest bid submitted by North East Interiors of 42 Brooks Drive, Suite 1005, Braintree, MA for the construction of Phase II of the Provincetown Town Hall in the amount of \$3,723,490 for the base bid and alternates 1,2,3, and 4.*

Motion by: Austin Knight      Seconded by: Elaine Anderson      Yea 5    Nay 0

#### 5C POLICE FACILITY STUDY

Police Department Building Assessment Report prepared by Center for Public Safety was presented by Chief Jaran. Report can be posted on the town's website. Town Manager intends to bring a town owned building master plan to the Selectmen with a recommendation to replace or upgrade deteriorated, outdated and obsolete town buildings including the police station. Police Chief requests a site study committee be formed to review potential relocation sites.

Elaine Anderson - Consider moving dispatchers to the fire station or consider addressing issues until a permanent new station can be built. Police Chief can identify homeland security grant money to obtain

funds.

Austin Knight – What short-term plan do we need to address the issues until a new police station can be built? Chief Jaran is mostly concerned with the temporary relocation of the communication center and the holding cells.

***MOTION: Move that the Board of Selectmen vote to form a work committee to consider alternative locations for a Police Station under the direction of the Town Manager.***

**Motion by: Austin Knight                      Seconded by: Elaine Anderson                      Yea 5    Nay 0**

**5D    PIER CORPORATION – DERELICT BOATS**

Pier Manager Rex McKenzie and Pier Chairman Leonard Clingham presented the derelict boat policy identified within the Harbor Regulations. The boats are governed under Chapter 3 of the Harbor Regulations. We were trying to get the worse cases off the beach.

Open discussion ensue.

**5E    TREASURER’S TRANSFERS**

John Anderson Francis Scholarship Fund

***MOTION: Move that the Board of Selectmen vote, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$6,489.89 from the Library Building Gift Fund to pay for the attached invoice(s).***

**Motion by: Austin Knight                      Seconded by: Elaine Anderson                      Yea 5    Nay 0**

**5F    PROCLAMATION – Recognize Lily Tomlin**

***MOTION: Move that the Board of Selectmen vote to approve the request of Chairman Michele Couture and proclaim Saturday, August 29, 2009 as Lily Tomlin Day as per the attached Proclamation.***

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

**6A    USDA GRANT – TOWN H ALL**

***MOTION: Move that the Board of Selectmen vote to authorize the approval of the Community Facilities grant agreement between the Town of Provincetown and the United States Department of Agriculture Rural Housing Service as set forth in the attached grant agreement dated August 13, 2009, in the amount of \$102,630.00.***

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

**6B    TOWN HALL REHABILITATION**

Phase II / Owner’s Project Manager

We have consulted with Town Counsel and the Town may appoint an employee in this position with a signed MOU agreement.

***MOTION: Move that the Board of Selectmen vote appoint Russ Braun as the Owner’s Project Manager on the Town Hall project.***

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

**6C    SEPTEMBER 14, 2009 – SPECIAL TOWN MEETING - Approve Warrant**

***MOTION: Move that the Board of Selectmen vote to approve the warrant for the September 14, 2009, Special Town Meeting, as presented by the Town Manager.***

**Motion by: David Bedard                      Seconded by: Austin Knight                      Yea 5    Nay 0**

**6D    TOWN MANAGER FOLLOW UP**

**MOTION:** *Move that the Board of Selectmen vote to apply for Water Conservation Grant.*

**Motion by:** Austin Knight

**Seconded by:** Mary-Jo Avellar

**Yea 5 Nay 0**

**6E OTHER**

**MOTION:** *Move that the Board of Selectmen vote send a thank you to Marc Jacobs for the design and sale of "T" shirts to benefit the rehab of Town Hall.*

**Motion by:** Austin Knight

**Seconded by:** Mary-Jo Avellar

**Yea 5 Nay 0**

**7. CLOSING STATEMENTS**

Mary-Jo Avellar – None      Michele Couture - None

David Bedard – None      Elaine Anderson - None

**Austin Knight**

Move some fans from town hall to Larkin Hall.

**8. EXECUTIVE SESSION**

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 39, §23B, clause 6, to go into executive session to discuss negotiations and the value of land; and not to convene in open session thereafter. [Roll Call Vote]*

*Elaine Anderson – Yes*

*Austin Knight – Yes*

*Mary-Jo Avellar - Yes*

*David Bedard – Yes*

*Michele Couture – Yes*

**Motion by:** Austin Knight    **Seconded by:** Elaine Anderson

**Yea 5 Nay 0 - Motion Passes -**

Motion to adjourn by      at 9:45 PM

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
August 24, 2009