

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MONDAY, NOVEMBER 9, 2009 6:00 PM

LARKIN HALL

Chairman Michele Couture convened the meeting at 6:00 PM noting the following Board of Selectmen attending: Michele Couture, David Bedard, Austin Knight, and Elaine Anderson

Excused Absence: Mary-Jo Avellar

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

MOTION: *Move that the Board of Selectmen vote to take Agenda Item 1 out of order.*

Motion: Austin Knight **Seconded by**: David Bedard Yea 4 Nay 0

2. PUBLIC STATEMENTS

Tony Jackett and Owen Nichols - Would like the Selectmen's support so they plan on submitting a grant proposal to the 2010 Northeast SARE Sustainable Community Grant Program, which will provide technical support for planning and site assessment for the use of subtidal habitat for grow-out of oysters, butter clams, and other species, with a particular goal of aiding the towns in their efforts to support members of our community in their efforts to conduct sustainable aquaculture.

MOTION: *Move that the Board of Selectmen vote to write letter of support for the 2010 Northeast SARE Sustainable Community Grant Program application submittal.*

Motion: Austin Knight **Seconded by**: David Bedard Yea 4 Nay 0

Steven Schnitzer – Wonders whether the Town has considered widening the sidewalk in front of Town Hall.

Miriam Collinson – Problem on Route 6 – concerned about the clearing and staging area two parcels of land for the Phase III Sewer Project adjacent to her property (Dune's Camp Ground) and that she was not notified as an abutter.

George Bryant – Gave handout to the Board of Selectmen on Fabricated PVC Pressure Fittings that raises issues of a lack of standards associated with PVC fittings.

3. SELECTMEN STATEMENTS

Elaine Anderson

To Mrs. Miriam Collinson – I am concerned about the clearing, and am in hopes that ConCom will recommend it be mitigated and replanted once the work is all done.

MOTION: *Move that the Board of Selectmen vote to send letters of appreciation to Bonnie Campbell, Roslyn Garfield, and Richard Olson who have resigned from their respective town board/committees.*

Motion by: Elaine Anderson **Seconded by**: Austin Knight Yea 4 Nay 0

Austin Knight

Wonders whether the Town has considered widening the sidewalk in front of Town Hall.

Town Manager - DPW Director was advised to have the silt fence back out of the buffer area and have them file an NOI with the ConsCom at the December 8, 2009 meeting. This particular staging area should be utilized as it is needed, but should be cleared up by summer. Direct DPW and AECOM to replant the encroachment area immediately.

MOTION: *Move that the Board of Selectmen vote to instruct AECOM to replant the encroachment on Route 6 Phase III staging area.*

Motion by: Michele Couture **Seconded by:** Elaine Anderson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Superintendent of Schools Dr. Beth Singer and all participants, to thank them for their participation in the Provincetown High School Veterans Day 2009 Assembly at the Veterans Memorial Elementary School.*

Motion by: Austin Knight **Seconded by:** David Bedard Yea 4 Nay 0

David Bedard

Concerned that Phase III has just started, and we are already having problems. Who is overseeing this project? This is not a good start to this project?

Restaurant week appears to be very successful. Congratulations to Bob Sanborn.

Michele Couture

Mr. Sanborn is doing an excellent job working with the VSB.

Cherry Sheet amendments cut to Town in Library funding and state own land anticipated to be around \$18,000.

MOTION: *Move that the Board of Selectmen vote to take Agenda Item 1 out of order.*

Motion by: Austin Knight **Seconded by:** Elaine Anderson Yea 4 Nay 0

1. CAPE COD WATER PROTECTION COLLABORATIVE UPDATE

Project Update

Chairman Sheila Lyons of the Barnstable County Commissioners was asked to come before the Board to clarify the position of the Barnstable County Commissioners and the recommendations of the Collaborative Review Committee. Sheila explained that the Ordinance that created the Collaborative called for a review after 5 years, and that they have been receiving public comment on the Review Report. Many towns have submitted comments expressing their appreciation for the Collaborative and their representation on the Collaborative. The 15 member Collaborative is not proposed to be eliminated. George Bryant participated in the Review Committee, and supports the recommendations, and does not feel the Town will lose its representation with the two body Collaborative model. Paul Niedzwiecki sees the proposed committee as being an implementation committee that does not reduce the representation of the individual towns.

4. APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to appoint Judith Cicero as a Regular Member of the Cultural Council with a term to expire on December 31, 2010.*

Motion by: Austin Knight **Seconded by:** Elaine Anderson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Grace Ryder-O'Malley as a Regular Member of the Cultural Council with a term to expire on December 31, 2012.*

Motion by: Austin Knight **Seconded by:** Elaine Anderson Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to appoint Stephen Borkowski as a Regular Member of the Community Preservation Committee with a term to expire on June 30, 2010.*

Motion by: Austin Knight **Seconded by:** Michele Couture Yea 4 Nay 0

5A IMPLEMENTATION FY 2010-12 VALUATION PROGRAM

MOTION: *Move that the Board of Selectmen vote to award a contract to sole proposer PK Valuation Group, a Division of Paul S. Kapinos & Associates, Inc. of South Hadley, MA., in the total amount of \$59,400 for services to be provided as follows:*

- 1) *Fiscal 2010 Interim Year Update (\$19,800),*
- 2) *Fiscal 2011 Interim Year Update (\$19,800) and*
- 3) *Fiscal 2012 Re-Certification Program (\$19,800).*

Motion by: Austin Knight

Seconded by: David Bedard

Yea 4 Nay 0

5B FIREHOUSE #2 – 189 COMMERCIAL STREET

Award Contract – Public Restroom

MOTION: *Move that the Board of Selectmen vote to accept the bid from Robert B. Our, 24 Great Western Road, Harwich, MA., in the amount of \$352,000.00 for the construction of public restrooms in what is known as Firehouse #2 located at 189 Commercial Street, and as approval to form by Town Council .*

Motion by: Austin Knight

Seconded by: David Bedard

Yea 4 Nay 0

5C APPROVE ORDER OF ARTICLE FOR DEC 7, 2009 SPECIAL TM WARRANT

MOTION: *Move that the Board of Selectmen vote to amend Article 1 presented by the Town Manager as follows:*

Article 1. Home Rule Petition/Exempting New Police Department Members from Civil Service

To see if the Town will vote to authorize the Board of Selectmen to instruct its representative in the General Court to file a home rule petition for a special act to read as follows:

"An Act Exempting All Positions in the Provincetown Police Department from the Civil Service Law.

SECTION 1. *Notwithstanding any general or special law to the contrary, the members of the police department of the Town of Provincetown shall be exempt from the provisions of chapter thirty-one of the General Laws.*

SECTION 2. *The provisions of section one shall not impair the civil service status of any member of the police department of the town of Provincetown on the effective date of this act.*

SECTION 3. *This act shall take effect upon its passage."*

The General Court may only make clerical or editorial changes of form to the bill, unless the board of selectmen approve amendments to the bill before enactment by the general court. The Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of the petition; and provided further that the Board of Selectmen is not authorized to file this Home Rule Petition until the Town and the affected police unions have reached an agreement on the impact of this change; or to take any other action relative thereto.

[Requested by the Board of Selectmen and the Town Manager]

Motion by: David Bedard

Seconded by: Austin Knight

Yea 2 Nay 1 (Michele Couture) Abstain 1 (Elaine Anderson)

MOTION: *Move that the Board of Selectmen vote to accept the order of the Articles for the December 7, 2009, Special Town Meeting Warrant, as presented by the Town Manager.*

Motion by: Austin Knight

Seconded by: David Bedard

Yea 3 Nay 1 (Michele Couture)

6A TOWN MANAGER FOLLOW-UP

Town Hall update. Trailer will be put in place for workers at town hall on Ryder Street temporarily, and then moved to Bradford Street.

Intermunicipal Cooperative meeting – went over NSTAR Herbicide. Next meeting November 19, 2009 @ Provincetown Town Hall.

Naming of Street for Shawnee Tribe. Met with Mae Bush, and it will be 90 Shankpainter when it is completed.

Meeting with Town Manager working group re: new police station. Concentrating on property adjacent to Fire Station to see if it viable.

6B OTHER – Nothing.

7. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

MOTION: *Move that the Board of Selectmen vote to approve the minutes of September 24, 2009 (Moors Rd.) as printed.*

Motion by: Elaine Anderson **Seconded by:** David Bedard Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of September 29, 2009 (Executive Session 5:30 PM) as printed.*

Motion by: Elaine Anderson **Seconded by:** David Bedard Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of September 29, 2009 (Regular Mtg.) with changes so noted.*

Motion by: Elaine Anderson **Seconded by:** David Bedard Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of October 13, 2009 (DEP Report) as printed.*

Motion by: Elaine Anderson **Seconded by:** David Bedard Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of October 13, 2009 (Regular Mtg.) as printed.*

Motion by: Elaine Anderson **Seconded by:** David Bedard Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of October 21, 2009 (Exec. Session 4 PM) as printed.*

Motion by: Elaine Anderson **Seconded by:** David Bedard Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen vote to approve the minutes of October 26, 2009 (Executive Session) as printed.*

Motion by: Elaine Anderson **Seconded by:** David Bedard Yea 4 Nay 0

8. CLOSING STATEMENTS

Elaine Anderson

Hedge trimming continues all over town. Need to provide restrooms when we have special events in town.

Austin Knight. 1) Update on licensing on seasonal units. 2) Town Hall clock needs to be checked. 3) Fire Horn needs to be checked. (**Sharon** – Horn was decommissioned several months ago. Improvements are being made to it, and Fire Engineers are aware of this.) Would like a report as to when horn will be replaced.

David Bedard - None

Michele Couture – Restrooms definitely should be opened, and don't need to be manned this time of year. DPW should just check in and ensure they are not being vandalized.

Independent Engineers - have they started work? - **Answer** – will be starting tomorrow.

Motion to adjourn by Elaine Anderson 8:27 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
November 12, 2009