

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

SPECIAL MEETING – DECEMBER 6, 2010 6 PM

TOWN HALL - JUDGE WELSH ROOM

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

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner, Municipal Finance Director Dan Hoort

Recorder: David Gardner, Assistant Town Manager

Town Manager introduced Cheryl Napsha, our new Provincetown Public Library Director.

1A SIEMAN'S CONTRACT

Mark White of Environmental Partners Group gave a brief update. USDA has advised the town that the so-called reprogramming request as authorized by the Board of Selectmen at their October 25th, 2010 meeting has been approved.

MOTION: *Move that the Board of Selectmen vote to authorize the execution of a contract to Siemens Water Technologies Corp in the amount of Eight Hundred Thirty Two Thousand Eight Hundred Dollars (\$832,800.00) for membrane system piloting and procurement as per the publically bid solicitation of September 13, 2010 as prepared by Environmental Partners Group, engineers of record. Award is conditioned on the receipt of a fully executed Performance and Payment Bond from Siemens.*

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

1B USDA SEWER BOND

MOTION: *Move that the Board of Selectmen vote to approve the sale of the following 2.25 percent bond of the Town dated December 15, 2010, \$3,000,000 Sewer Bond payable on 15th day of December in principal installments of \$76,924 in the years 2011 through 2048, inclusive, and \$76,888 in the year 2049, with interest thereon calculated from December 15, 2010 (the "Bond"), to the United States of America, acting through the Rural Utilities Service, USDA, at par, is hereby confirmed.*

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

MOTION: *Move that the Board of Selectmen approve changes to the annual installment amounts which may be subsequently amended by the Rural Utilities Service, USDA, to make minor rounding or computation adjustment, and we hereby authorize the Treasurer to approve such minor changes in the payment schedule, provided that the principal amount, interest rate and term of the Bond remain unchanged.*

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

MOTION: *Move that the Board of Selectmen covenant with the registered owner from time to time of the bond that the town shall maintain rates and charges for the use of the*

town's sewer system in an amount which, together with other available funds, shall be sufficient to pay all costs of operating the system, and the entire principal of and interest on the bond and all other indebtedness of the town incurred for municipal sewer purposes as they become due. The bond shall nevertheless be a general obligation of the town, payable from any of its available revenues, including revenues derived from ad valorem taxes levied in accordance with the law upon all property within the town which is lawfully subject to such taxes.

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

1C JOINT MEETING WITH THE OPEN SPACE COMMITTEE – DISCUSSION
REGARDING THE CAPE COD LAND BANK

*Open Space Committee called a meeting their to order at 6:14 pm. Members Present:
Hank Janowsky, Dennis Minsky, and David Hale*

Open Space committee commented that the Land Bank provides a source of funding for conservation lands. Past town meeting votes make it clear that the town is very supportive of Land Bank purchases. The Open Space Committee has many projects and properties remaining to be conserved.

Projected outstanding debt within the Land Bank Fund at 6/20/2011 is \$762,768.

Michele Couture thinks that CPC funds could be used to replace Land Bank Funds for conservation land purchases.

Land Bank funds are used to leverage state grants funding to the sum of \$450,000 in just the last two years.

The Housing Trust Fund is funded by 10% of the Land Bank fund and is currently the only funding source for the Housing Trust Fund. Any reconsideration of Land Bank participation should include a funding source for the Housing Trust Fund.

At this point Chair Couture asked the Town Manager if she would like to make an announcement? The Town Manager replied with an announcement that the Town has received a Public Works Economic Development (PWED) Grant of \$1,000,000 for the paving of Commercial Street from Johnson Street to Atlantic Street.

2. PUBLIC STATEMENTS

Celine Gandolfo – Representing Provincetown Conservation Trust and speaking in favor of maintaining the Land Bank Fund. There are many important properties in town to save from development. Conservation lands provide many benefits to our overall quality of life.

3. SELECTMEN STATEMENTS

Austin Knight – None

David Bedard – None

John Santos – None

Michele Couture - None

Elaine Anderson – Concerned about the development along Harry Kemp Way.

4. APPOINTMENTS

MOTION: *Move that the Board of Selectmen vote to approve the Town Manager's reappointments for terms expiring December 31, 2013, as follows:*

(1) Barbara Prato as an alternate on the Conservation Commission, pursuant to MGL c.40 §8C and Charter §6-6-1; and

(2) Vernon Porter as a regular member on the Disability Commission, pursuant to MGL C.40, §8J.

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

5A RATIFY TAX CLASSIFICATION VOTE OF NOVEMBER 22, 2010 / IDENTIFY EXCESS LEVY CAPACITY

MOTION: *Move that the Board of Selectmen ratify vote of November 22, 2010 and identify unused property tax levy capacity, pursuant to MGL C.40, §56, as follows relative to the FY 2011 property tax: to identify \$35,317.68 in unused property tax levy capacity.*

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

5B DPW Surplus Equipment

This equipment has been identified as surplus equipment mostly due to repairs, is costing more than the value of the equipment. Replacement equipment has been received. Once declared surplus we will advertise for sealed bids.

MOTION: *Move that the Board of Selectmen vote to declare the following list of equipment as surplus:*

1) 1991 FMC Sweeper; 2) 1992 Chevy Cheyenne PU 4X4 w/plow; 3) 1992 Mitsubishi Fuso FH Recycling Truck; 4) 1995 GMC Sierra 2500 4X4 PU; 5) 2000 Ford Crown Victoria; 6) 1-each 30 CY Dumpster and 7) Koler Generator;

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

5C BAY HARBOUR CONSERVATION RESTRICTION

Elaine Anderson requests that we look into whether 10 Harbour Drive property should also require a restriction.

MOTION: *MOVE that the Board of Selectmen vote to authorize and execute conservation restrictions with the property developers and owners for the properties located at 5 Harbour Drive, 6 Harbour Drive, 7 Harbour Drive and 8 Harbour Drive to protect the structures from coastal storm damage and flooding for compliance with the National Flood Insurance Program, as approved to form by Town Counsel.*

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

5D TREASURER'S TRANSFER – Public Fountain Gift Fund

Voucher(s) \$1,000.00 to pay for the plaque, which is a requirement of the original gift from William Rider, leaving a remaining balance in the Public Fountain Gift Fund of \$6,465.88.

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$1000.00*

from the Public Fountain Gift Fund to pay for the attached invoice(s).

Motion by: David Bedard

Seconded By: Austin Knight Yea 5 Nay 0

6A ACCEPTANCE OF DONATION TO THE RECREATION DEPARTMENT – MARC JACOBS

David Bedard recused himself and left the room as he is the owner of a for-profit gym which provides services similar to those provided by the Community Center.

Town Manager announces the donation from Marc Jacobs Inc to the Recreation Department in the amount of \$48,529.92 based on the sales of t-shirts designed by local children. Monies generated from the donation will repair the East End Playground fences, install new benches and new sign, and repave the basketball surface. This playground is located at the intersection of Bradford and Howland Street. Any left over money will be help fund repairs of the West End Playground in the future.

MOTION: *Move that the Board of Selectmen vote to accept the donation of \$48,529.92 by Marc Jacobs for the benefit of the Recreation Department, and to write a letter of thank you for this generous gift to the Town.*

Motion by: Elaine Anderson

Seconded By: Austin Knight Yea 4 Nay 0

David Bedard returned to the room.

6B TOWN MANAGER SHARON LYNN FOLLOW-UP

Town Hall Auditorium Chairs. Gift fund created to replace the chairs for the auditorium. The Selectmen should hold a meeting in the near future to consider input from the general public as to whether to repair the existing benches or purchase new chairs. The existing benches had been repaired back in the 60's so the seats themselves are not original. It is the Historical Commission's opinion that the benches are original to the auditorium.

Building Assessment is ongoing. Tom Scarlata has been inspecting town owned buildings and talking to staff members to assess department needs.

6C OTHER - None

7. MINUTES OF BOARD OF SELECTMEN'S MEETING – None

8. CLOSING STATEMENTS

David Bedard - None

John Santos - Looking forward to upcoming vacation, and will not be at the next meeting. Would like the board to follow-up on the Police Chief's traffic plan to be presented on December 13, 2010. Think the Municipal Parking Lot should be reconfigured to allow a separate exit and should be reprogrammed to take credit cards.

Elaine Anderson - Spirit of the holidays is alive and well in Provincetown. East End restaurants are open in spite of water and sewer work going on in the area.

Austin Knight – None

Michele Couture - Announced the passing of Steve Melamed.

Motion to adjourn by Austin Knight at 7:26 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen
December 14, 2010