

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – JANUARY 24, 2011 6 PM

## 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

Recorder: David Gardner

### 1A PUBLIC HEARING – 2010 ANNUAL GROWTH MANAGEMENT REPORT

**MOTION**: *Move that the Board of Selectmen vote to, pursuant to the Provincetown Zoning By-Laws Section 6600, Growth Limitation Goal Allocations, to make the following findings: That the average daily withdrawal for the Provincetown Water System in 2010 was 776,830 GPD; that the permitted level is 850,000 GPDs; and that, therefore, the Town is in compliance with the water withdrawal permit issued by the Department of Environmental Protection (“DEP”) pursuant to 310 CMR 36.00 and all applicable rules and regulations by DEP with respect thereto, and to make the following 2011 allocations to growth management:*

*Category 1A: 1650*

*Category 1B: 0*

*Category 1C: 0*

*Category 2: 1100*

*Category 3: 1850*

*Category 4: 1250*

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

### 1B PUBLIC HEARING – ECONOMIC - DEVELOPMENT REQUEST – 244 Commercial Street - Jonathan Williams Salon

This EDP request is to add an additional salon chair to the existing salon at 244 Commercial Street (85 gpd).

**MOTION**: *Move that the Board of Selectmen vote to approve Economic Development Permit 11-01 for 244 Commercial Street, Scott Caldwell, applicant, Peter Stuart, property owner, based on findings that the proposed use is consistent with the criteria set forth in Selectmen’s Policy 2009-02-09, subject to the attached permit with conditions as submitted, including a condition that the additional gallons be utilized for commercial uses only and not be subsequently converted to residential use without prior approval of the Board of Selectmen.”*

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

### 1C WASTEWATER – Update and Financial Review

Elaine Anderson disclosed that her property is pending a hook-up to the sewer under the

Phase III, and will step down on any vote that might pose a conflict of interest to her personal property.

Facilitator John Goodrich presented the wastewater program update report. AECOM Engineer Rob Adams presented an update of the Phase III project, including a discussion of what areas are planned for sewer expansion, and how that will effect reserved capacity at the wastewater treatment plant. Financial Consultant Mark Abrahams presented the 5-year Wastewater Financial Pro Forma.

- The USDA approved construction program can be completed within the available funds through design changes to several segments and pump stations that reduce both the cost and the amount of dewatering.
- There is sufficient available capacity remaining at the Treatment Plant to connect all of the ACOs in the areas to be served during Phase 3, and to provide a reserve for any Economic Development Permit requests that can be met with the available Growth Management allocation and account balances that were discussed earlier this evening.
- There is sufficient Phase 3 interest for the betterments to cover all of the estimated cost of expanding the Treatment Plant to its planned capacity, as well as serving the additional service areas where there is interest.
- Expansion of the Treatment Plant will provide an additional capacity of 180,000 GPD of Title 5 design flow over and above the identified Phase 3 interest. This new capacity can be used for important town priorities, further economic development and future ACOs in any of the sewer service areas.
- And, betterments and user charges from future connections that use this additional capacity will be an important source of revenue to ensure the long-term financial stability of the WWEF. The 5-year Pro Forma prepared by Mark Abrahams shows that the WWEF must fund both construction and the cost of delayed connections in anticipation of future revenues from more users who connect to the sewer system.

The Sewer Team is recommending a number of policy votes tonight for consideration by the Board. There are four separate change orders, only because each change order is tied to a separate funding source, as explained in your report. We are also looking for your approval to move ahead with the drafting of Warrant Articles for the April Town Meeting and with the submission of the Phase 3B sewer extension permit to MADEP. The MADEP permit submission and the change orders are all critical path elements that need to move forward as quickly as possible.

Rob Adams of AECOM presented the key recommendations as to areas that can and should be served, those areas that don't have enough interest to be served, the available plant capacity and proposed plant expansion, the proposed additional service area that needs Town Meeting approval to move forward, and the schedule for completion of each segment of the system.

Mark Abrahams presented the important findings from his Financial Review, including the changes to the proposed FY2012 budget to incorporate the updated debt numbers.

**MOTION: *Move that the Board of Selectmen direct the sewer team to prepare Warrant Articles for the April Town Meeting for (i) expansion of the Treatment Plant, (ii) expansion***

*of the service area to include Kendall I & II, and (III) construction of a sewer extension to serve the new CCNS Herring Cove bathhouse, all to be paid for by betterment revenue from new users.*

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

**MOTION:** *Move that the Board of Selectmen direct AECOM to submit the Phase 3B Sewer Extension Permit on January 25<sup>th</sup> to MADEP, so as to be able to undertake construction work this spring.*

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

**MOTION:** *Move to award a Change Order in the amount of \$1,466,410 to AECOM for the portion of the Phase 3B construction that can be undertaken prior to the issuance of the MADEP Sewer Extension Permit, conditioned on the required sign-off of the construction package by USDA, to include the Kendall and Snail Road Pump Stations, which are in the critical path, and need to be completed prior to the next tourist season.*

**Motion by: David Bedard      Seconded By: Austin Knight  
Yea 4    Nay 0    Abstain 1 (Elaine Anderson)**

**MOTION:** *Move to award a Change Order in the amount of \$221,900 to AECOM to complete the Phase 2 SRF-funded latecomer connection construction work prior to the March 18<sup>th</sup> SRF funding deadline.*

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

**MOTION:** *Move to award a Change Order in the amount of \$286,445 to AECOM for the non-USDA funded portion of the project, which involves installing gravity sewers in Bradford Street between Hancock Street and Kendall Lane – this work needs to be completed now so that the Bradford Street drainage project can be completed.*

**Motion by: David Bedard      Seconded By: Austin Knight  
Yea 4    Nay 0    Abstain 1 (Elaine Anderson)**

**MOTION:** *Move to award a Change Order in the amount of \$345,900 to AECOM to undertake the 319 program grant-funded drainage work on Bradford Street in conjunction with the other construction work they will be doing in this area.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the following budget for FY 2012: 440 Wastewater Enterprise Fund - \$2,980,648.*

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

**2.    PUBLIC STATEMENTS**

Doug Walker – Would like to support the idea of an ice skating rink in town during the winter months. Could be done fairly inexpensively. Suggest a gift fund to help fund the idea.

**3.    SELECTMEN STATEMENTS**

**Elaine Anderson – None      Austin Knight - None      David Bedard – None**

**John Santos** – None

**Michele Couture** – Inquired as to whether the Police Software has been installed already. Temporary trailers will be removed soon. Police Chief has yet to provide fund balance in the Police Foundation Fund.

4. **APPOINTMENTS**

**MOTION:** *Move that the Board of Selectmen vote to appoint Mark Weinress as a Regular Member of the Planning Board with a term to expire on December 31, 2013.*

**Motion by:** Austin Knight      **Seconded By:** John Santos      Yea 5    Nay 0

**MOTION:** *Move to take item 5B out of order.*

**Motion by:** Austin Knight      **Seconded By:** John Santos      Yea 5    Nay 0

5B **2010 ANNUAL TOWN REPORT DEDICATION**

Town Clerk Doug Johnstone - \$1200 remaining in fundraising for this year's town report.

**MOTION:** *Move that the Board of Selectmen vote to dedicate the 2010 Annual Town Report to those current and former Town board members and employees who died during calendar year 2010, as contained in the list of names submitted by Town Clerk Douglas Johnstone.*

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

5A **OUTER CAPE HEALTH SERVICES PARKING LICENSING AGREEMENT**

**MOTION:** *Move that the Board of Selectmen vote to approve the license agreement between Outer Cape Health Services and the Town of Provincetown for the use of the public right-of-way along Harry Kemp Way for the purpose of parking; and as approved to form by Town Counsel.*

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

5C **PARADE PERMITS: ALZHEIMER SERVICES OF CAPE COD**

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Molly Perdue, on behalf of the Alzheimer's Services of Cape Cod, 765 Attucks Lane, Hyannis, MA 02601 to hold Fundraising Walk to be held on Sunday, May 22, 2011 from 11:00 AM to 2:00 PM.*

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

5D **TREASURER: GENERAL OBLIGATION BOND**

Four (4) bids were received on January 20, 2011. The low bidder was M & I Bank in Milwaukee, WI. Interest payments begin 7/15/11 with Principal payments starting 1/15/12. Bond maturity is January 15, 2030. The first three (3) years of the bond are at 2% interest, and the next two (2) at 2.5% interest – a very good interest rate.

Standard & Poors Ratings Services maintained its underlying rating (SPUR) on Provincetown, Mass.' General obligation (GO) debt of 'AA' based on the town's improved financial position, and the town's strong reserve position. The outlook is stable. Additional

credit factors supporting the rating include the town's:

- Large and very diverse property tax base extremely strong per capita market values;
- Strong reserves available in the general fund; and
- Low debt position and aggressive amortization schedule.

The town's limited, tourism-centered local economy is cyclical in nature and a limiting rating factor.

**MOTION:** *Move that in order to reduce interest costs, the Treasurer is authorized to issue refunding bonds, at one time, or from time to time, pursuant to Chapter 44, Section 21A of the General Laws, or pursuant to any other enabling authority, to refund all of the Town's \$854,300 General Obligation Water Bonds dated February 25, 1987 maturing on and after February 25, 2012 (the "Refunded Bonds") and that the proceeds of any refunding bonds issued pursuant to this vote shall be used to pay the principal, redemption premium, and interest on the Refunded Bonds and costs of issuance of the refunding bonds.*

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

**MOTION:** *Move that the sale of the \$7,810,400 General Obligation Municipal Purpose Loan of 2011 Bonds of the Town dated January 15, 2011 (the "Bonds"), to M&I Bank at the price of \$7,820,012.69 and accrued interest is hereby approved and confirmed. The Bonds shall be payable on January 15 of the years and in the principal amounts and bear interest at the respective rates, as follows:*

<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>	<u>Year</u>	<u>Amount</u>	<u>Interest Rate</u>
2012	730,400	2.000%	2022	360,000	3.550%
2013	675,000	2.000	2023	350,000	3.650
2014	665,000	2.000	2024	350,000	3.750
2015	480,000	2.500	2025	340,000	3.875
2016	475,000	2.500	2026	320,000	4.000
2017	425,000	2.750	2027	320,000	4.100
2018	425,000	3.000	2028	320,000	4.125
2019	425,000	3.250	2029	315,000	4.250
2020	365,000	3.500	2030	105,000	4.500
2021	365,000	3.400			

**Motion by:** David Bedard      **Seconded by:** John Santos      Yea 5    Nay 0

**MOTION:** *Move in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale, and Preliminary Official Statement dated December 31, 2010, and a final Official Statement dated January 20, 2011 (the "Official Statement"), each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved, and adopted.*

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

**MOTION:** *Move that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.*

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

**MOTION:** *Move that the maximum useful life of the departmental equipment listed below to be financed with the proceeds of the \$156,000 borrowing authorized by the vote of the Town passed April 5, 2010 (Article 5), is hereby determined pursuant to G.L. c44, §7(9) to be as follows:*

<u>Purpose</u>	<u>Borrowing Amount</u>	<u>Maximum Useful Life</u>
Rescue Ambulance (Fire Depart.)	\$156,000	7 Years

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

**MOTION:** *Move that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.*

**Motion by:** David Bedard      **Seconded By:** John Santos      Yea 5    Nay 0

**MOTION:** *Move that each member of the Board of Selectmen, the Town Clerk, and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipt or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.*

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

**5E      TREASURER’S TRANSFER – JOHN A. HENRY TRUST FUND**

This is a payment supported by a contract between the Town and the Cape Cod Children’s Place. The contract authorizes \$14,106.57 to be expended from the John A. Henry Trust Fund in FY11 to assist less fortunate children leaving a remainder for FY11 of \$ 6,169.91. The Estate of John A. Henry has a balance after this award of \$503,533.16.

**MOTION:** *Move that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$3,717.55 from the John A. Henry Trust Fund for the payment of the attached invoice(s).*

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

**6A      TOWN MANAGER SHARON LYNN FOLLOW-UP**

Sexual Harassment training was conducted jointly with the Town of Truro and Wellfleet, and was well attended.

Clay Scholfield will come to the Board in February or March to update the Selectmen on the Truro-Provincetown Bike Trail Master Plan.

Walking Mall working group will meet this week.

**6B      OTHER - None**

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

**MOTION:** *Move that the Board of Selectmen approve the minutes of:*

*January 5, 2011 (Budget Mtg.) [ x ] as printed [ ] with changes so noted.*

*January 6, 2011 (Budget Mtg.) [ x ] as printed [ ] with changes so noted.*

*January 10, 2011 (Regular Mtg.) [ x ] as printed [ ] with changes so noted.*

*January 13, 2011 (Budget Mtg.) [ ] as printed [ x ] with changes so noted.*

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

8. **CLOSING STATEMENTS**

**David Bedard** – Happy to see that harassment training was jointly done in cooperation with neighboring towns.

**Elaine Anderson** – None

**John Santos** - Wants to bring up the issue of beach nourishment at a future meeting.

**Austin Knight** – Vernon Porter is recovering from knee surgery and is at Liberty Commons in Chatham.

**Michele Couture** – Regionalization meeting update. Met today in Eastham. Today's discussion was regionalizing the Town Prosecutor position. Chief Jaran met with the DA's office. The idea was discussed to hire an attorney to represent all towns. Also discussed was the idea of towns cooperating with a relay system and reduce the need to have an officer dedicated to Court House duty all day.

Motion to adjourn by Austin Knight at 8:15 PM.

Minutes transcribed by: Vernon G. Porter, Secretary to Board of Selectmen  
March 8, 2011