

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – FEBRUARY 14, 2011 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; Town Counsel John Giorgio

Recorder: Pam Hudson

MOTION: *Move to take item 5E out of order and move it up after 5A.*

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

1A **PUBLIC HEARING – CURB-CUT: 48 FRANKLIN STREET**

Petition not present at this time. See notes below.

1B **JOINT MEETING – HISTORICAL COMMISSION – Auditorium Chairs**

Judy Cicero stated that there is \$1,400 in Auditorium Chair Gift Fund, given mostly by the Gay Men's chorus.

Historical Commission - Eric Dray convened the Historical Commission meeting at 6:01.

Present: Susan Avellar, Stephen Borkowski, Char Priolo, and Polly Burnell.

Pictures were presented showing historic photos of the auditorium. The chairs are the original auditorium chairs and should be preserved.

The Commission presented two options for making chairs more comfortable as outlined in their memo (attached): Refinishing the chairs and either 1) having permanent cushions made for them, or continuing to rent cushions as the COA presently does for Town Meetings.

Judy Cicero outlined what her research into the chairs has involved.

Elaine Anderson - Refurbishing needs some further research. If cushions are permanently attached, then can seats still be folded up for storage?

David Bedard - Not thrilled with cushion rental. Would like to pursue the refurbishing and would like more information on the cushions.

Michele Couture - Also wants permanent cushions. Cushions do not need to be permanently attached to chair.

Comments about whether the chairs could still be folded for storage if the cushions were permanently attached.

Eric Dray - Chairs could just be sanded and shellacked.

Michele Couture - It seems the Board favors refurbishing the chairs and purchasing permanent cushions. Need help from the Historical Commission and Ms. Cicero.

Austin Knight - What are the funding sources for this project? Would like to get three-phase funding source: CPC Historic funds matched by VSB and private donations.

John Santos - Buildings and Grounds should go through all of the seats and see what repairs are needed to them, before starting any refurbishment.

Michele Couture - The consensus of the Board is for keeping the chairs we have, restore them and up the comfort level.

Eric Dray - Loose or attached cushions? **Michele Couture** - They should be loose.

David Bedard - Should have attached cushions.

Majority for loose cushions. No motion made.

1C₁ JOINT MEETING – HARBOR COMMITTEE – Kayak Rack Update

Jerry Irmer called the Harbor Committee meeting to order. Committee members present: Sue Avellar, Mel Cote and Roger Chauvette.

Two, nine-kayak racks would be used on a trial basis. They would be located on beach. Need sticker system.

Harbormaster Rex McKinsey joined meeting at 6:30 pm.

First year they would be like bicycle racks, i.e. first come, first served.

Beach boat sticker program is now free. Hopefully, this would change in the future to allow for a small fee.

Conservation commission will take up kayak racks tomorrow night.

McKinsey: - There are about 20 kayaks on beach now. Two racks will hold 18 of them.

Elaine Anderson supports pilot program.

MOTION: *Move that the Town go forward with the kayak pilot program contingent on approvals from relevant boards.*

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

Michele Couture - Is our liability increased?

Sharon Lynn - It will be covered by the Town's liability policy.

Town Counsel - Town has limited liability for recreational land provided that no fee is charged for use of it.

1C₂ JOINT MEETING – HARBOR COMMITTEE – Harbor Plan

Michele Couture asked Sharon Lynn for update as to where we are. Sharon Lynn recapped the recent events in the Harbor Plan approval process.

Town Counsel: There is one remaining issue, which is Cabral's wharf. Cabral's have filed an application for an amendment to their chapter 91 license plan. There was a public hearing on the 100 spaces requested. DEP proposed 150 spaces in spirit of compromise.

Choice 1: approve plan with 150 spaces and submit it to DEP, presumably with positive outcome.

Choice 2: to submit the plan with the Harbor Committee's current recommendation. If that is the choice, then it's most likely that DEP will not recommend for approval.

Choice 3: The State could choose to delete any mention of Cabrals at all. But this is unlikely.

Austin Knight - Choice 1, does the applicant still have ability to appeal the decision on the number of parking spaces?

Town Counsel - There would be a public comment period, and a public hearing. Anyone could present their position at that hearing.

Michele Couture - In favor of approving with 150 spaces.

David Bedard - Why not go forward with 186 spaces?

Mr. Irmer - Asks that the Selectmen back the Harbor Committee, and let Cabrals go to the hearing with the Harbor Committee and Board of Selectmen behind them.

Elaine Anderson - The town is being held hostage from getting any funds that we would be eligible for if we had a harbor plan. Supports the Chairman in going forward with 150 spaces.

Chris Snow, Attorney for the Cabrals, was given permission by Jerry Irmer to speak. Cabral's generates a great deal of money for merchants. They have room for 186 parking spaces. Application had only 100 spaces due to threats from DEP to close them down for the season.

MOTION: *Move that the Board of Selectmen vote to support the Harbor Committee.*

Motion by: Austin Knight **Seconded By:** John Santos

Austin Knight - Would like to do due diligence to family by supporting Harbor Committee.

John Santos - Supports Harbor Committee.

Elaine Anderson - Thinks it's a huge risk to go forward, only with expectation of rejection.

Michele Couture - Asks Town Counsel whether DEP could reduce the 187 spaces, not only to 150, but to 100, or to none.

Town Counsel - Says that if the Town does not accept the DEP compromise of 150 spaces, then DEP has no reason to honor that offer going forward.

David Bedard - In favor of 187 spaces.

Yea 3 Nay 2 (Michele Couture and Elaine Anderson)

Owner arrived for Agenda Item 1A.

1A PUBLIC HEARING – CURB-CUT: 48 FRANKLIN STREET

MOTION: *Move that the Board of Selectmen vote to go take up Agenda Item 1A at this time.*

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

The Board returned to this item at 7:20 PM.

Owner present: Don Eunson. 48 Franklin is a spur off of Franklin. On-street parking is not allowed due to narrowness. The house has no parking. Asking for 8' x 18' parking space, which is the minimum legal size.

There were no speakers and two letters were read (attached).

Discussion:

Austin Knight - DPW, Fire Chief, and Police Chief all expressed concern about guy wire.

Mr. Eunson - We did contact NSTAR, and NSTAR took it down.

Elaine Anderson - Same concern. Pole is a problem regardless of whether the guy wire is there or not. Could the parking spot be changed to another location?

Mr. Eunson - There is another 8' x 18' space parallel to house, but it would be more difficult to "parallel" park, as there would be no way to turn around without using a neighbor's driveway.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to:*

a) Approve the request of Robert Valios on behalf of Don Eunson and Douglas Evans to establish a curb cut at the property located at 48 Franklin Street (Assessor's Map 6-3-15) (Res 3 Zone).

b) And further to request that a certified plot plan be provided showing the actual location of the proposed curb cut.

Condition: *That the owner to secure a letter from NSTAR stating that the guide wire would no longer be required.*

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

1D WATER UPDATE

Presenters: DPW Director David Guertin, Facilitator John Goodrich and Mark White of Environmental Partners.

Facilitator **John Goodrich** presented the water program update summarizing the results for the grant-funded programs:

1. Unaccounted for Water and Leak Management
 MA DEP Conservation Grant
 USDA Grant-funded Distribution System Upgrades
 USDA Grant-funded Leak Inspection Program
 Community Response to the Inspection Program
 Leak Management Policy and Enforcement Recommendations
 - Education programs
 - Compliance programs to be undertaken directly by the Water Department
 - Account owner compliance responsibilities
 - Inspection programs for new connections, building permits and property transfers
 - Enforcement and fines
2. USDA North Union Field and Water Quality
 North Union Field
 - Meeting with the Town of Truro AdministrationWater Quality Program

Austin Knight - Can savings from routing change be redirected to savings for non-compliant systems for families that can't afford it? David Guertin - Yes.

1E SINGLE-STREAM RECYCLING

Presenters: DPW Deputy Director Sandra Turner, Mark White of Environmental Partners, and Chair of the Recycling and renewable Energy Committee Amy Germain.

Mark White - Various trials have been taking place at transfer station. Have analyzed

economic opportunities for 2 scenarios: 1) compacting with large hopper (100 cu. yards), or 2) smaller compactor and smaller hopper. Cost is mainly incurred in hauling. Large hopper system proves to be less costly due to lower hauling costs. Small hopper requires three times as many trips.

Amy Germain - Feb 9th meeting of RREC voted unanimously to support this request.

Austin Knight - Is there a fuel adjustment in hauling contracts?

Sandy Turner - Not so far.

Austin Knight - What is funding source?

Sharon Lynn - debt exclusion.

MOTION: *Move that the Board of Selectmen vote to approve placement of a Capital Improvement Article on the April 4, 2011 Annual Town Meeting warrant for the large hopper/compactor system with 100-cubic yard containers for Single Stream Recycling for \$334,600.*

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

John Santos - What about the trailer we bought last year?

Sandy Turner - We will ask for trade-in at 100% of purchase cost because it has never been used.

Town Counsel - Brief update on Intermunicipal Solid Waste Committee. Towns have decided to stick together. The committee will put out a request for letters of interest in providing solid waste disposal alternatives.

2. **PUBLIC STATEMENTS**

David Nicolau: Agenda Item 5C. In support of transparency. However it may be better to hear this complaint in private. A volunteer should be given same consideration as employees.

Rick Murray: Hopes to speak to Conservation Commission on kayaks. Would hope that Board of Selectmen will choose to have a public hearing so that abutters can explain what goes on at the West End beach. There is no beach at high tide due to derelict boats. Would propose that kayaks get moorings just like boats. Also that boat trailers left in the parking lot beside the ramp should pay something.

3. **SELECTMEN STATEMENTS**

John Santos – Water activities are one of the benefits of living or visiting town. Agrees that we must get a handle on what is left on beach.

Austin Knight – Attended Cape Selectmens’ meeting. Several towns are interested in getting a letter together to deal with short-term rentals. They will be asking staff to get numbers on losses that Towns bear in rooms tax lost when B&Bs convert to condos etc.

Selectmen’s group will also be discussing solar power at their next meeting.

David Bedard – none

Elaine Anderson – Thank Fire Dept for quick response to Library fire.

Michele Couture – Will save her comments for later.

4. **APPOINTMENTS** - none

5A **HAWTHORNE PROPERTY PURCHASE AND SALE**

Elaine Anderson - Are there any restrictions on this property?

Kevin Redmond - Yes. There will be a deed restriction limiting use to passive recreation.

MOTION: *Move that the Board of Selectmen vote to sign and execute a purchase and sales agreement with Caro Campbell Hawthorne for the purchase of the property located at 15 Aunt Sukey's Way, also known as the Hawthorne Property, as authorized by the April 2010 ATM.*

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

5B ART COMMISSION – Approve Loan of three paintings to New Britain Museum of American Art

MOTION: *Move that the Board of Selectmen vote to authorize the Town Manager to execute, on behalf of the Town of Provincetown, art loan agreements with the New Britain Museum of American Art approved by vote of the Art Commission and signed by its chairman on the commission's behalf.*

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

5C ZBA MEMBER INTERVIEW REGARDING COMPLAINT RECEIVED

David Bedard - Uncomfortable with this agenda item. This is the first time that a volunteer on a regulatory board has been called before the Board of Selectmen for this type of discussion.

Austin Knight - Also uncomfortable with this Agenda item. Has the ZBA had a chance to discuss this issue before it came to the Selectmen?

Ms. Germain - No, the ZBA has not discussed. My voting record will show that I do not vote with the particular bias that I am being accused of.

Sharon Lynn - There was a verbal complaint prior to the letter.

David Bedard - Requests that the Chair poll the Selectmen as to whether they want to continue with this conversation.

Yea 1 (Michele Couture) Nay 4

Point of Information from the audience: Deb Paine - asks when she can be heard.

Michele Couture - Will put on a future agenda.

Elaine Anderson - Uncomfortable with the way this complaint was handled.

Sharon Lynn - There is a workshop for the ZBA next week. Also a future workshop with Town counsel in March.

MOTION: None.

5D OPENCAPE – Broadband Technology

Moved to March 14, 2011 Agenda.

5E COMMUNITY DEVELOPMENT – Permitting Software

Presenters: Building Commissioner Russell Braun, MIS Director Beau Jackett

Russell Braun - Explained why permitting software and document management software are needed. He has explored different options, including storing documents on-site on our own

servers, and storing them in the cloud. He recommends Hawkeye as the preferred company for providing the permitting software.

Beau Jackett - Joined the conversation at this point.

David Bedard - The advantage of Hawkeye is that it was developed by users. Concerned about our documents being stored in cloud.

Beau Jackett - Our present website is an illustration of storing info in the cloud. Onus is on the vendor for reliable restoration in case of disaster.

David Bedard - If we are unhappy with the vendor, how do we get our docs back?

Beau Jackett - That's a valid concern.

Elaine Anderson - Can this be done in-house?

Russell Braun - Yes.

Austin Knight - Ownership of info resides with Town. How do you maintain that ownership at the end of the contract period?

John Santos - Do we have the staff time to input all of our documents into the system?

Russell Braun - Our plan is to digitize documents from here forward.

John Santos - Have you had demos?

Russell Braun - Yes. I am very careful to make sure it's user friendly. It must sync with assessors' database, and must sync with GIS program.

Sharon Lynn - It does take time to input everything into these systems. However, the plan is that everyone put them in from here forward.

MOTION: None.

6A TOWN MEETING – Set Dates for Opening and Closing of Warrant

MOTION: *Move that the Board of Selectmen vote to open the Monday, April 4, 2011 Annual and Special Town Meeting warrants on February 15, 2011, at 8 o'clock a.m., and to close them on Thursday, March 3, 2011 at 5:00 p.m., in accordance with Charter §2-1-7.*

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

6B TOWN MEETING – Refer Zoning By-law Amendments to Planning Board

MOTION: *Move that the Board of Selectmen vote, pursuant to Massachusetts General Law Chapter 40A Section 5, to submit the attached zoning bylaw amendments to the Planning Board for review and public hearing on February 28, 2011, in order to be placed on the April 4, 2011 Annual Town Meeting Warrant.*

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

6C TOWN MANAGER SHARON LYNN FOLLOW-UP

1) Clerk of the works: There were four submissions. Most responsive was WW Reich. Clarence Whatmough would be assigned to the position. Would like to sign a contract with Reich for Mr. Whatmaugh's services.

MOTION: *Move that the Board of Selectmen vote to approve the Town Manager signing a contract with W.W. Reich for Clerk-of-the-Works services with WW. Reich.*

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

2) Commemorative plaque: Sharon Lynn distributed a drawing of the proposed plaque.
Austin Knight - Historical Commission should be included on plaque. Also Mary-Jo Avellar.

Elaine Anderson - Going back in time is too complicated.

MOTION: *Move that the Board of Selectmen vote to accept the plaque as presented with the addition of the Historical Commission.*

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

6D **OTHER** – None.

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

MOTION: *Move that the Board of Selectmen approve the minutes of January 31, 2011 (Special Mtg.) as printed.*

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

8. **CLOSING STATEMENTS**

David Bedard – None **Austin Knight** – None **Michele Couture** – None

Elaine Anderson - Appreciated Rick Murray’s Kayak ideas.

John Santos - Can the Fire Department use the town car to go to trainings?

Sharon Lynn - They are already using it.

Motion to adjourn by David Bedard at 9:27 PM.

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