

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – APRIL 25, 2011 6 PM

TOWN HALL – JUDGE WELSH ROOM

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

Excused Absence: John Santos

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

Recorder: David Gardner

1A PUBLIC HEARING: EDP – 63 SHANK PAINTER RD – SNIFK9

MOTION: *MOVE that the Board of Selectmen vote to continue the public hearing on the Economic Development Permit request until June 13, 2011*

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

MOTION: *MOVE that the Board of Selectmen vote to take Item 5D and 5E out of order.*

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

5D TED MALONE – LETTER OF SUPPORT FOR STABLE PATH

MOTION: *MOVE that the Board of Selectmen vote to postpone the request to a future meeting.*

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

5E BOARD OF SELECTMEN POLICY STATEMENTS: AFFORDABLE HOUSING INCENTIVES

MOTION: *MOVE that the Board of Selectmen vote to postpone to a future meeting pending a recommendation from the Community Housing Council.*

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

1B CAPE COD NATIONAL SEASHORE UPDATE

Superintendent George Price and Karst Hoodgenboon present to give an update and to discuss the future agenda before the CCNS. Moors Rd completion in approximately a week. Herring Cove Bath House replacement still pending. Dune Shacks Subcommittee EIR is out in public comment, May 10th meeting scheduled to hear comments on the plan. CCNSP celebrating 50th anniversary. Bike Trail expansion grants proposed, bike shuttle in the works. Future talks on a potential solar facility at the capped landfill

MOTION: *MOVE that the Board of Selectmen vote to proclaim August 7, 2011 as the Cape Cod National Seashore Park Day.*

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

1C JOINT MEETING WITH THE PROVINCETOWN PUBLIC PIER CORPORATION – SIX MONTH UPDATE

Lee Ash – Chair, Carlos Verde, Kerry Adams and Richard Wood present.

PPPC has been doing an assessment of the existing conditions on the pier, including the facilities, make-up of the fishing fleet and other tenants, review of regulations, finances, etc... The PPPC has recently updated the engineering survey, trap shed program and has moved forward with new Harbor Regulations, including new rates; budget summary; and Raven's Unit update.

Request support on:

1. Ongoing need to address the remediation for the floating docks
2. Immediate need to dredge the harbor in the area of Float Space 1W. It has become impossible to navigate in this area and we have had to partially reduce rents to tenants. PPPC will coordinate with the DPW to share mobilization costs involved with equipment that both departments need for different projects. PPPC has requested that the town look at the larger issues involved with an ongoing dredging program for the harbor.

The PPPC management does not include responsibilities for dredging and as such hope to be able to utilize Waterways Fund or other appropriate fund for current immediate dredging (\$8000-\$10,000) and any future dredging that becomes necessary for the pier's commercial tenants.

3. Recommend proposed Harbor Regulations 3-2-1 regarding vessels over 17 feet stored on the beach.

On behalf of Board members want to thank Michele Couture for her work with the Pier.

MOTION: MOVE that the Board of Selectmen vote to adopt Harbor Regulation 3-2-1 as presented.

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

Emergency dredge approval received from the ConCom. Organic material to be dewatered at the MPL and then taken to the compost pile at the transfer station. Should take place in the next couple of weeks.

MOTION: MOVE that the Board of Selectmen vote to approve dredging of Float Space 1W with funding of \$8000 from the Waterways Fund.

Motion by: Michele Couture Seconded By: David Bedard Yea 4 Nay 0

Austin Knight: More detailed report on the collection of late payments/past dues to be presented in September. Dan Hoort is verifying the Audit Report and should be available within a month.

Michele Couture: Parking Enforcement on the Pier. Parking Department staff should be utilized on the pier.

1D1 WASTEWATER UPDATE

Public Outreach meeting at the Surfside Hotel within the next week or so to update the community, answer questions and hear input from the public.

DPW will be conducting a Roadway Management Plan/Master Road Survey within the Wastewater Fund to study and prioritize the paving needs for all town roads.

MOTION: MOVE that the Board of Selectmen vote to direct the Sewer Team to undertake the following facilities planning activities as recommended in the April 25th Report to the Board: (i) confirmation of interest for Phase 3 so as to issue pre-construction betterments,

(ii) additional outreach through Sept. 9th for the Phase 3 sewer service area, (iii) additional outreach through Sept. 9th for properties that initially requested a connection during Phase 2 but chose not to hook up, and (iv) planning for the use of the capacity that will be available at the Treatment Plant following its expansion, to include a review of the needs for economic development and other public uses permitted by the Special Legislation.
Motion by: David Bedard Seconded By: Austin Knight Yea 4 Nay 0

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

MOTION: *Move that the Board of Selectmen direct the Sewer Team and Financial Consultant Mark Abrahams to review the existing betterment rate and to report back to the Board as to whether raising the rate to \$50. per GPD after the sign-up period for Phase 3 has closed will adequately cover the cost of connecting later comers and/or adding additional flows once the Phase 3 construction work has been completed.*
Motion by: David Bedard Seconded By: Austin Knight Yea 4 Nay 0

MOTION: *Move to award Change Order #8-6 in the amount of \$1,910,312 to AECOM for Phase 3B construction, to include the area from Snail Road to the Truro town line, to be funded by the USDA grant and conditioned on their required sign-off.*
Motion by: David Bedard Seconded By: Austin Knight Yea 4 Nay 0

MOTION: *Move to award the following change orders to AECOM funded by Article 6 from the April 2011 STM: (i) \$365,000 for Change Order #8-7 for Treatment Plant engineering and permitting and (ii) \$195,000 for Change Order #8-8 for Treatment Plant process modifications.*
Motion by: David Bedard Seconded By: Elaine Anderson Yea 4 Nay 0

MOTION: *Move to award the following Contract Amendments for consulting services related to the Treatment Plant expansion funded by Article 6 from the April 2011 STM: (i) \$30,000 to John Goodrich for facilitation and public reporting and (ii) \$30,000 to the Abrahams Group for financial consulting.*
Motion by: David Bedard Seconded By: Elaine Anderson Yea 4 Nay 0

1D2 WATER UPDATE

This project will proceed once MassDOT issues their permit and Truro's Board of Selectmen authorizes the Water Department to act on their behalf with regards to the pending MassDOT permit. Both items expected to be resolved within days. A Notice to Proceed will be only issued based on all permits in place.

As previously reported, this project is to correct an easement problem from the 1970s which left a water transmission main on property now owned by Truro Vineyards.

Environmental Partners Group's recommendation to award is attached.

MOTION: *Move that the Board of Selectmen vote to approve the award of \$139,279.75 to C.C. Construction of South Dennis, MA, to be funded from Article 1of the 2009 STM, for the Water Main Relocation Project, Truro Vineyards, as publically bid.*

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

2. **PUBLIC STATEMENTS**

Tom Donnegan – Thistlemore – We need to do a better job of communicating in the coming months regarding a realistic expectation of what the work would entail prior to them happening.

Jill Vaughn – OCHS expansion concerns expressed. Too much parking, construction impact to adjacent homes, concerned about environmental impact.

Custodial Silva – Thanks Michele Couture for her service.

3. **SELECTMEN STATEMENTS**

David Bedard - Congrats to Green Arts Festival. Congrats to Art Commission regarding traveling exhibit. Library update- project approximately 2 -3 weeks behind schedule due to work discovered during construction. Update for the Selectmen in May. Work completion due in July. Need to have a conversation with Town Moderator to change date of Town Meeting to secure a quorum. Thanks to Michele Couture for her service.

Elaine Anderson - Excited about the award of the Mass Historical Comm regarding 2011 Historical Preservation Award for the Town Hall rehab. Concerned about the apathy and lack of volunteers. Should hold “visions for Provincetown” or develop a “think tank”. Support for CVEC Solar project potential at the landfill. Noticing support from State regarding land based wind turbines.

Austin Knight –

MOTION: *Move that the Board of Selectmen vote to procaim May 14, 2011 as King Hiram's Lodge Day.*

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

May 25 representation at the Historic Awards Presentation. Should invite Eric Dray.

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Eric Dray for his work and contribution to achieve the Town's Historic Preservation Award from the Massachusetts Historical Commission.*

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

Michele Couture – None.

4. **APPOINTMENTS**

MOTION: *MOVE that the Board of Selectmen vote to appoint Ross Sormani as a Regular Member to the Beautification Committee with a term to expire on December 31, 2011.*

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

5A AUDITORIUM BEER AND WINE REQUEST: PROVINCETOWN CARES

Board Member Molly Goodwin present to represent the application. This item was continued from the April 11, 2011 meeting in order to clarify the times of alcohol service requested. The addition of the Friday event was added to the original request.

MOTION: MOVE that the Board of Selectmen vote, pursuant to the Regulations for Public Use of Town Hall, to authorize the consumption or sale of beer and wine service in the Town Hall Auditorium for the Provincetown Cares event Friday, October 14, 2011 and Saturday, October 15, 2011, subject to the following conditions:

1. Provide copy of Commercial General Liability with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as "Additional Insured"
2. Provide copy of Liquor Liability Coverage with a minimum limit of \$1,000,000 per occurrence / \$2,000,000 general aggregate with the Town named as "Additional Insured"
3. Provide copy certificate of insurance showing that a Workers' Compensation policy IS in effect. The Town would NOT be an additional insured on this policy.
4. Ensure that all bar tenders are TIPS trained.
5. Alcohol service starting 90 minutes prior to the event

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

5B RETIREE HEALTH INSURANCE

Employee Benefits Administrator Pam Hudson.

MOTION: MOVE that the Board of Selectmen vote to adopt Blue Cross/Blue Shield Medex Enhanced to replace Medex Standard (Medex No OBRA) as one of the Medicare supplement plans available to Provincetown retirees and spouses.

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

5C OUTER CAPE HEALTH SERVICES FACILITIES IMPROVEMENT PLAN

Sally Dean, CEO; Alan Hall, Facilities Manager, and George Berg, Trapani & Assoc Architects present.

MOTION: MOVE that the Board of Selectmen vote to send a letter to the ZBA and Planning Board to support the timely review of the permitting process.

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

5F PARADE PERMITS: RECREATION DEPARTMENT – JULY 4, 2011 PARADE

Parade route to commence at Snail Road – Right on to Commercial Street, and proceed until the end of Franklin Street.

MOTION: MOVE that the Board of Selectmen vote to approve the Parade Application Permit submitted by Recreation Director Brandon Motta on behalf of the Town of Provincetown, to hold the Annual Independence Day Parade to be held on Monday, July 4, 2011, starting at 11:00 AM to 1:00 PM..

Motion by: Austin Knight Seconded By: Elaine Anderson Yea 3 Nay 0

Abstain 1 (David Bedard)

5G 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 \$ 2,426.35

The Estate of John A. Henry has a balance after this award of \$510,322.83.

MOTION: *MOVE that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$2,532.87 from the John A. Henry Trust Fund for the payment of the attached invoice(s)*

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

6A TOWN MANAGER'S FOLLOW-UP – None

6B OTHER – None

7. MINUTES OF BOARD OF SELECTMEN'S MEETING

MOTION: *Move that the Board of Selectmen approve the minutes of: March 30, 2011 (State of Town) as printed.*

April 11, 2011 (Regular Mtg.) with changes so noted.

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

8. CLOSING STATEMENTS

David Bedard - None

Elaine Anderson – None

Austin Knight – None

John Santos – None

Michele Couture – Honor and privilege serving the Town. Would like to see Shank Painter Road improvements and the 90 Shank Painter Road affordable housing project move forward.

Motion to adjourn by Austin Knight at 9:33 PM.

Minutes transcribed by: David Gardner, Assistant Town Manager, June 7, 2011