

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – MAY 23, 2011 6:00 PM

TOWN HALL – JUDGE WELSH ROOM

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

Excused Absence: none.

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

Recorder: David Gardner

1A PUBLIC HEARING: CURB CUT – 16 PRINCE STREET

Christopher Amplo, Property owner and applicant present.

The applicant notified the abutters by certified mail and presented green cards.

Recommendations from Public Safety officials. DPW: Approve with the removal of the on-street parking space; Police: Disapprove, space too narrow; Building Commission: Disapprove not sufficient clearance with adjacent on-street parking space.

Applicant may be willing to remove the “x”d out pedestrian access in front of his house to provide sufficient space for the on-street public parking space.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to: Approve the request of Christopher Amplo to establish a curb cut at the property located at 16 Prince Street (Assessor’s Map 7-4-22) (Res 3 Zone); and further to request that a certified plot plan be provided showing the actual location of the proposed curb cut contingent upon the removal of the pedestrian access in front of the house in order to make the on-street parking space the appropriate length.*

Motion by: John Santos **Seconded By:** Austin Knight Yea 1 Nay 4 (Austin Knight, Elaine Anderson, David Bedard, David McChesney) **Motion Failed.**

MOTION: *Move that the Board of Selectmen vote to deny the curb cut request.*

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

1B JOINT MEETING WITH HARBOR COMMITTEE RE: BEACH RAKE

The Harbor Committee did not have a quorum. Chair Jerry Irmer and Chris Brooke present as well as Harbormaster Rex McKinsey. The fund balance in the Harbor Access Gift fund is currently above \$139,000. The tractor will also be used by DPW for maintenance along Route 6. The beach rake will be utilized on a three-year trial basis.

MOTION: *Move that the Board of Selectmen vote to approve the expenditure of 119,637.12*

from the Harbor Access Gift Fund for the purchase of a Barber Surf Rake, Model 600HD, and a tractor equipped to pull said rake contingent upon receiving Town Counsel's legal opinion that the tractor is an appropriate expense from the Harbor Access Gift Fund.

Motion by: John Santos **Seconded By:** Austin Knight **Yea 4 Nay 1 (David McChesney)**

2. PUBLIC STATEMENTS

David Hale – Clarification on the Beach Rake. He was the dissenting vote from the ConCom. ConCom does not have the funds to pay for the study, but will be done by the applicant. After 3 year trial basis the rake will be re-assessed.

Amy Germain – Encourage the Selectmen to consider approving a resolution to Bottle Bill. RREC forwarded an email to the BOS regarding the Bottle Bill. The RREC made a motion to recommend support. Rep Peake has worked hard on this bill. Town should pursue the Green Communities Act designation.

Rick Murray – Congratulate David McChesney on his election. Does not support the taxi stand in front of the Surf Club. Please approve parade permit for Ellie. The town needs to do an comprehensive outreach to all abutters prior to the June 20 meeting regarding the Commercial Street repaving project. DPW should notify abutters when raking will occur. Wants to see kayaks removed from the beach on the West End. Town should move forward with the kayak racks.

Brad Bechok – non-resident property owner on Brewster St. New Permit Parking District on Brewster Street won't allow non-resident permit owners to park on the street. Selectmen need to address regulations or change the sign to allow non-resident property owners to park in front of their house.

Dale Hale – Supports Shank Painter Pond stormwater mapping and water quality testing contracts on tonight's agenda.

John Thomas – Chair of the CCNS-General Management Plan Implementation Advisory Committee. Concerned about the future of dune shacks based on the April 27, 2011 Cape Cod National Seashore Dune Shack Historic District Preservation and Use Plan /Environmental Assessment / Assessment of Effect. Request the BOS to have a special meeting to consider an agenda item on this issue prior to the June 10th close of public comment period.

SELECTMEN STATEMENTS

John Santos – Town starting to look good. Impressed by B-Street Garden.

Austin Knight – Bottle Bill discussion should occur at an upcoming agenda. When will the State Government take the issue up. Paving hearing on June 20 for Commercial Street will require notification and outreach to businesses busy during the summer. Need additional meeting to respond to the Dune Shack issue prior to the June 10th public comment deadline.

MOTION: *Move that the Board of Selectmen vote to set a special joint meeting with the*

CCNSGMPIAC on June 7, 2011 at 6:00 PM to consider the Dune Shack issue.

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

David Bedard – meeting with Town Moderator regarding possible Charter adjustments regarding Town meeting. Wants to meet more frequently with town boards.

MOTION: *Move that the Board of Selectmen vote to request town boards to meet with the Board of Selectmen on a more regular basis.*

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

Ad Hoc Zoning Bylaw Revision Committee will be meeting and they should consider bylaw amendments to adjust density and address overbuilding in town.

MOTION: *Move that the Board of Selectmen vote to give direction to the AHZBRC to consider adjustments to density.*

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

Reminded the Board of Selectmen about rule concerning “chain conversations” in regards to the open meeting law.

David McChesney – concerned about the lack of a sidewalk in front of the library due to the construction. DPW did place signs to post no parking or standing in front of the construction fence.

Elaine Anderson – Place Bottle Bill on the June 13th agenda.

4. **APPOINTMENTS** - None

David Bedard recused himself as he is an abutter and left the room.

5A **PROVINCE LANDING – GROUND LEASE**

Attorney Shirin Everett present to answer any questions on the lease. Community Builders counsel Attorney Joey Smith and Michael Lozano, Project Manager for the project also present.

MOTION: *Move to approve and grant the extension requested by The Community Builders, Inc., as stated in its letter of May 12, 2011, extending the date by which the Ground Lease between the Town and Province Landing Limited Partnership must be signed to June 1, 2011.*

Motion by: Austin Knight **Seconded By:** John Santos Yea 4 Nay 0

MOTION: *Move that the Board of Selectmen, pursuant to the authority granted by the vote taken under Article 2 of the April 3, 2006 Special Town Meeting, to approve and execute the Ground Lease between the Town and Province Landing Limited Partnership for the lease of property at 90 Shank Painter Road and any and all other documents related thereto, including, without limitation, the Notice of Lease, the Affordable Housing Restriction, the Guaranty, and an Estoppel Certificate and Agreement, all in the form presented to us by Town Counsel.*

Motion by: Austin Knight

Seconded By: David McChesney **Yea 4 Nay 0**

David Bedard returned.

5B CONSERVATION RESTRICTION FOR HAWTHORNE PROPERTY

MOTION: *Move that the Board of Selectmen vote to authorize and execute a conservation restriction as approved to form by Town Counsel for the property located at 15 Aunt Sukey's Way (Lot 25 on Land Court Plan 39970-G) and known as the Hawthorne Wildlife Sanctuary.*

Motion by: David Bedard

Seconded By: Austin Knight

Yea 5 Nay 0

5C LOWER CAPE AMBULANCE

Steve Roderick, James Meads and Paul Silva present. Lower Cape Ambulance request renewable on the contract which is due to expire on June 30, 2011. Concerns regarding collections of unpaid bills. Collections is currently running approximately 90 %. Medical billing is approximately \$1.46 million less allowances for \$525,600 equals \$934,400.00. Town needs to support additional training for the Rescue Squad to increase participation to relieve pressure on Lower Cape Ambulance. Consider removal of the rent payment from budget. Lower Cape Ambulance does maintain a lease for an ambulance garage at the highway garage which should be considered during future negotiations.

MOTION: *Move that the Board of Selectmen vote to authorize and execute the Ambulance Service Agreement between the Town of Provincetown and Lower Cape Ambulance Association, Inc., 2 Race Point Road, PO Box 1721, Provincetown, MA 02657.*

Motion by: Austin Knight

Seconded By: John Santos

Yea 5 Nay 0

5D1 GHD CONTRACT – SHANK PAINTER BASIN STORMWATER MAPPING

There have been several complaints about the water quality condition of the Shank Painter Pond. This contract will allow us to map out all drainage to see what drainage might be going into the pond along with possible septic intrusion from non-sewered properties around the pond. This will be followed up by another contract for specific testing of the pond during the summer months. The funding for both of these projects will be from the Highway Dept Budget under line item *Drainage Maintenance* for a total of \$50,000.00 and these two contracts \$16,517 and \$24,330 for a total of \$40,847.00 to be encumbered. Using GHD for these contracts is appropriate and less costly. GHD is our engineer of record and that is what we will be looking for. Where is our street drainage going? The purpose of mapping the drainage and what other contaminants (if any) we find that the science will lead us to answers needed. On May 17, 2011, the Conservation Commission voted to recommend approval of this contract by a vote of 3-0-0.

MOTION: *Move that the Board of Selectmen vote to approve the contract with GHD Inc., in the amount of \$16,517.00 for the development of a base map of drainage area, field research of catch basins and storm drains around the perimeter of the Shank Painter Pond.*

Motion by: David Bedard

Seconded By: Austin Knight

Yea 5 Nay 0

5D2 GHD CONTRACT – SHANK PAINTER BASIN WATER QUALITY TESTING

While GHD will be the Engineer of record, they have partnered with EcoLogic for the water quality monitoring aspect because of their expertise in that field. Liz Moran and the staff members working on this project have received their Ph.D's in Water Resource, Masters in Aquatic Science and

Bachelors in Biology, and has a stellar resume of related projects. Her other staff is equally impressive with regards to qualifications. On May 17, 2011, the Conservation Commission voted to recommend approval of this contract by a vote of 3-0-0.

MOTION: *Move that the Board of Selectmen vote to approve the contract with GHD Inc., in the amount of \$24,330.00 for the water quality monitoring and testing of Shank Painter Pond, wetland vegetation survey and summary memorandum of future actions to reduce the impacts of nutrient loading in the pond.*

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

5E BARNSTABLE HOME CONSORTIUM – APPOINT MEMBER

MOTION: *Move that the Board of Selectmen vote to appoint Housing Specialist / Grant Administrator Michelle Jarusiewicz as the Provincetown Representative to the Barnstable County Home Consortium.*

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

5F RECYCLING AND RENEWABLE ENERGY GIFT FUND

Amy Germain, Chairman present.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL Chapter 44, Section 53A, to establish a special gift fund to be named, “Recycling and Renewable Energy Gift Fund,” with the balance in said fund to be expended to promote and implement the mission of the Recycling and Renewable Energy Committee's stated goals, including the public awareness and support of renewable energy and the advancement of recycling efforts throughout the Town of Provincetown.*

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

5G PARADE PERMIT – ELLIE-PALOOZA

Tom Yaz present. Parade route to commence at the Bas Relief and march down Ryder Street and then West on Commercial Street to the Crown and Anchor where there will be a reception.

MOTION: *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Tom Yaz and Andree Clearwater, to hold a parade and reception to celebrate the life of Ellie Castillo to be held on June 19, 2011, starting at 1:15 PM to 1:30 PM.*

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

5H GENERATOR MAINTENANCE CONTRACT FOLLOW-UP

This was part of the annual service contracts considered at the May 9, 2011 meeting. The Selectmen requested additional information regarding generator maintenance, including number of generators and frequency of maintenance.

MOTION: *Move that the Board of Selectmen vote to execute the following DPW FY2012 annual service contract for Generator Maintenance – FM Generator at \$4140.00 for the year.*

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

5I RECONSIDERATION OF LOCATION OF LOPES SQUARE TAXI STAND

Lenny Enos. Location is directly in front of the loading shoots to the basement of the Surf Club and prohibits the delivery to the restaurant. Is concerned about the traffic conjection that will occur in Lopes Square. Does not think it is an appropriate place for a taxi stand.

MOTION: *Move that the Board of Selectmen vote to rescind the vote to place the taxi stand in front of the Surf Club and consider a relocation at a future time.*

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

6A FISCAL YEAR POLICY GOAL SETTING PROCESS

The annual goal-setting is a central event in the life of the Town government, as the goals established by the Selectmen are translated to objectives to be achieved by the staff throughout the coming year.

1. Fiscal Management
2. Town Facilities Action Plan/Police Station Relocation
3. Paving of Commercial Street
4. Affordable Housing
5. Water Management Plan
6. Wastewater
7. Storm Drain Repairs
8. Solid Waste / Renewable Energy
9. Economic Development and Tourism
10. Cape Cod National Seashore

MOTION: *Move that the Board of Selectmen vote to adopt the timetable for the FY 2012 Annual Town-wide Goal Setting Process, including a goal-setting exercise at the regular meeting on Monday, June 13, 2011 and a public hearing at the regular meeting on Monday, July 11, 2011 at 6 p.m.*

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

6B BOARD OF SELECTMEN'S RULE OF PROCEDURES

The Rules of Procedure were last amended and approved on June 28, 2010. Section 9, thereof provides that "These standing procedures shall be reviewed annually, following the normal reorganization of each new Board of Selectmen" Section 10 provides that "(a) These standing procedures may be amended by a majority vote of the members present and voting at a regular meeting provided, however, that the proposed amendment has been submitted in writing at least one week prior to the date the amendment is to be voted upon. (b) An amendment shall be construed to mean any addition of a new procedure or deletion or modification of an existing procedure."

MOTION: *Move that the Board of Selectmen vote to schedule adoption of the Rules of Procedure for its next regular meeting on June 13, 2011, with any proposed amendments to be submitted in writing to the Secretary by Thursday, June 2, 2011.*

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

6C TOWN MANAGER'S FOLLOW-UP –

Request for the use of the Town Seal – follow-up with additional information.

Need to replace our representative on the Cape Cod Water Protection Collaborative.

Discussion with Maggie Downey, CVEC for the location of a solar facility at the landfill, VMES school, and the Provincetown High School.

MOTION: *Move that the Board of Selectmen vote to approve submission of a grant request for 2011 Pedestrian/ Bicycle/ Moped Safety Enforcement And Equipment Grant in the amount of \$5000.00.*

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

Costume Ball identified a date of October 29, 2011 for the Town Hall Auditorium.

6D OTHER – None

John Santos – should consider saving the Winslow Water Tower 1 for alternative uses.
David Gardner - The demolition contract has been approved by the Selectmen, signed and mailed.

7. MINUTES OF BOARD OF SELECTMEN’S MEETING - None.

8. CLOSING STATEMENTS

David Bedard - Flag out front of town hall needs to be replaced prior to Memorial Day.

Austin Knight – Memorial Services on Monday at 11:00 am at the Doughboy Statue.

David McChesney – None

John Santos – None

Elaine Anderson – None

Motion to adjourn by Austin Knight at 9:21 PM.

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