

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – MAY 9, 2011 6 PM**

**TOWN HALL – JUDGE WELSH ROOM**

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

Excused Absence: none.

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

Recorder: David Gardner

**1A REORGANIZATION OF THE BOARD OF SELECTMEN**

***MOTION: MOVE that the Board of Selectmen vote to elect Selectman Elaine Anderson as Chairman of the Board of Selectmen for a term of one (1) year commencing immediately.***

***Motion by: John Santos Seconded By: Elaine Anderson Yea 3 Nay 2 (David Bedard and Austin Knight)***

Elaine Anderson assumed control of the meeting as chair.

***MOTION: MOVE that the Board of Selectmen vote to elect Selectman David Bedard as Vice Chairman for the Board of Selectmen for a term of one (1) year commencing immediately.***

***Motion by: Elaine Anderson Seconded By: David Bedard Yea 3 Nay 1 (Austin Knight) Abstain 1 (John Santos)***

**1B PUBLIC HEARING: 25-ACRE AQUACULTURE DEVELOPMENT AREA**

Tony Jackett, Shellfish Constable; Alex Brown, Chair of Shellfish Committee; Owen Nichols, Provincetown Center for Coastal Studies; and Mr. Lind, Eastham, present.

Public Comment: George Hitchcock supports; John Siniako supports and recommends expansion of bay scallops.

***MOTION: MOVE that the Board of Selectmen vote to approve the establishment of a 25-acre Aquaculture Development Area in the subtidal waters southeast of the breakwater bordering the Provincetown-Truro Town line within the following coordinates:***

***NW: 42° 3' 4.8" N 70° 9' 29.6" W***

***SW: 42° 3' 1.5" N 70° 9' 31.0" W***

***NE: 42° 2' 56.3" N 70° 8' 51.6" W***

***SE: 42° 2' 52.7" N 70° 8' 51.6" W***

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

**1C1 LIBRARY UPDATE – McGINLEY KALSOW / COLANTONIO**

Wendal Kalsow and Mark Almeda, McGinley Kalsow & Assoc.

Wendal provided a brief powerpoint presentation recap on the Town Hall Rehabilitation project.

Mark Almeda provided a brief power point presentation to update the Selectmen on the progress of the library project. The presentation highlighted the newly discovered structural deficiencies and rotted posts.

William Reich, Owners Representative; George Willworth and Jeff Guilherme, Colantonio Inc, also present.

**1C2 LIBRARY CHANGE ORDER**

Mark Almeda presented. Exterior of the Library has been covered for 10 or more years with temporary covering, once removed, rot caused by water infiltration was discovered. Project is due to be completed approximately August 15, 2011.

***MOTION: MOVE that the Board of Selectmen vote to approve a change order in the amount of \$55,418 with Colantonio, Inc. for the repair of concealed structural deficiencies discovered after the removal of several layers of siding, to be funded from the contingency budget for the project.***

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

**1C3 LIBRARY CONTRACT – QUALITY CONTRACTING**

Mark Almeda presented the contract with a minor amendment recommended by Town Counsel regarding the rights of the Town to cancel the contract with 30 days notice.

***MOTION: Move that the Board of Selectmen vote to approve the contract with Quality Contracting, Inc. of Worcester, MA, and authorize the Town Manager to sign the contract.***

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

**1D JOINT MEETING WITH WATER AND SEWER BOARD RE: PROVINCETOWN LAUNDROMAT – 68 SHANK PAINTER RD**

Attorney Jeff Blake, Town Counsel present.

Charles Silva, property owner present along with owner's counsel, Attorney Chris Snow.

Water and Sewer Board members present: Jonathan Sinaiko, George Haunstrup, Kathleen Meads and Mark Collins.

Excused Absence: Sacha Richter

Jonathan Sinaiko called the Water and Sewer Board meeting to order at 5:02 pm.

Jonathan Sinaiko made a brief background on the issue and synopsis of the previous Water and Sewer Board meeting on March 24, 2011. Highlighting the primary issue of providing a restroom, cleanliness of the Laundromat and proper maintenance of the equipment.

Attorney Jeff Blake, Town Counsel, argued that a restroom was included in the RFP and the MOU between the Town and the Laundromat. The MOU requires any modifications to come before the W&S Board and the Board of Selectmen.

Kathy Meads made clear that there were three documents, (The Request for Proposal dated June 15, 2005; Memorandum of Understanding between Charles Silva, the Board of Selectmen and the Water & Sewer Board; and Sewer Connection Permit for 68 Shank Painter Rd), the question at hand, was whether the W&S Board and Board of Selectmen would consider amendments or modifications to those documents or demand that they be upheld.

Attorney Chris Snow suggests that a restroom was not a requirement and contests that an agreement was made that it be provided. Other Laundromats on the Cape do not provide restrooms.

Charles Silva provided a proposed Laundromat Management Plan in lieu of a restroom attendant.

Elaine suggest that a more frequent review of the MOU conditions should occur, perhaps as early as the end of the season or 120 day period.

Health Department to monitor the Laundromat during the course of the summer.

**MOTION:** *Move that the Board of Selectmen vote to extend the existing MOU with the acceptance of the management plan contingent upon a review on September 26, 2011.*

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

Water and Sewer Board adjourns at 8:01 pm.

## **2. PUBLIC STATEMENTS**

Carmen Thomas – Wants the Board of Selectmen to rehire Donald Thomas as a traffic cop. Presented a petition signed by over 275 online signatures plus over 170 written signatures.

Alex Brown – supports Donald Thomas. Was at the Public Pier Corporation meeting, where they discussed a fee for a dingy permit, permit fees should be exempt for members with a mooring permit. Request the fee be reviewed and rescinded.

Katherine Baltivik – Supports the rehiring of Donald Thomas.

Edward Silvia – Supports the rehiring of Donald Thomas.

Jackie Kelly – supports the Cape School of Art proposal for the use of the Community Center.

Penelope Silvia – Supports the rehiring of Donald Thomas..

Philip Desmarais – Supports the Cape School of Art proposal for the use of the Community Center.

Francine D'Olimpio– Supports the Cape School of Art proposal for the use of the Community Center.

Sophia Resnick - Supports the Cape School of Art proposal for the use of the Community Center.

John Patrick Love – Supports the rehiring of Donald Thomas.

Teri Lambrou – supports the rehiring of Donald Thomas

Michael Costa – supports the rehiring of Donald Thomas

Jane McDonald – Trustee of the White Pines Condos – regarding issues at the Highway Garage including the dirt pile and noise.

Pauline Richmond – supports the rehiring of Donald Thomas. Thank you for your hedges on Railroad Ave.

Todd Westrick – Chair of the Beautification Committee. Speaking to the issues of tree removal. Encourage people to volunteer and contribute to making the town better.

Midge Battelle - Supports the Cape School of Art proposal for the use of the Community Center.

### 3. **SELECTMEN STATEMENTS**

**David McChesney** - none

**John Santos** – supports the rehiring of Donald Thomas.

**Austin Knight** – Plans for the use of the Community Center have not been made yet. Not good practice for the Board of Selectmen to micromanage personnel matters. Congratulate Elaine and David on the election. Invited to PMPM for an opening. Cape Air and CCRTA will have an opening for the Airport Shuttle on May 18<sup>th</sup>.

**David Bedard** – supports the passion for Donald Thomas. It is not appropriate to discuss personnel matters in public. Wants an update on kayak racks project. Seeks a response to Alex Brown’s comment regarding the fee exemption for Mooring permits.

**MOTION:** *MOVE that the Board of Selectmen vote to write a letter to congratulate Superintendent George Price on the success of the Moors Road projectd*

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

Thanks for the recycling bins. Need to fill pot holes on Commercial Street.

Resign from the Cape Cod Water Protection Collaborative.

**Elaine Anderson** – none.

### 4. **APPOINTMENTS**

**MOTION:** *MOVE that the Board of Selectmen vote to approve the Town Manager’s*

*appointment of Teri Nezbeth to the Disability Commission, pursuant to M.G.L. c.40, §8J, for a term to expire on December 31, 2011.*

**Motion by: David Bedard Seconded By: Austin Knight**

**Yea 5 Nay 0**

**5A DPW ANNUAL SERVICE CONTRACTS FY2012**

Sandy Turner present.

DPW to provide an update on the age and condition of the generators.

**MOTION: *MOVE that the Board of Selectmen vote to execute the following DPW FY2012 contracts:***

*Scrap Metal Removal – J & L at \$450.00 per haul;*

*Scrap Wood Removal - \$250.00 per haul plus \$90.00 per ton tipping in Yarmouth;*

*Sand - John F. Screened Sand at \$10.00 per yard;*

*Uniform Rental – Unifirst Corp at \$11, 668 per year;*

*Elevator Maintenance - Associated Elevator at \$210.00 per elevator per month;*

*Sprinkler System Maintenance - Simplex Grinnell to provide Sprinkler Systems Inspections and Repairs \$1,129 per quarter per Sprinkler System (8);*

*Heating Oil – Marcy Oil –OEP plus .125 cents per gallon, plus additional 40 Cents per gallon Insurance, \$115.00 per hour repair rate;*

*Concrete Paving /Patch Paving– Lawrence-Lynch Corp at \$108.00 per ton for diler in place roads and berms, hand work \$197.00 per ton for sidewalks and driveway approaches;*

*Fire Extinguisher Maintenance - R.E. Lyons Fire Extinguisher Service for 137 Extinguishers for town buildings approximately \$1,097.00 per year;*

*Drain Cleaning - Advanced Pipe Inspection at \$325.00 per hour cleaning (vacuumed) all Infiltration Drainage Systems.*

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

**Yea 5 Nay 0**

**MOTION: *MOVE that the Board of Selectmen vote to exclude Generator Maintenance until DPW responds with more information regarding the frequency of maintenance needed.***

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

**Yea 5 Nay 0**

**5B GHD CONTRACT AMENDMENT – COMMERCIAL ST PAVING /STORMWATER PROJECT**

Russ Kleekamp, GHD Inc present along with Sandy Turner

**MOTION: *MOVE that the Board of Selectmen vote to approve Amendment #1 to the contract with GHD Inc., for design work associated with the MassWorks Infrastructure Program (dba PWED Grant) in the amount of \$299,898.00.***

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

**Yea 5 Nay 0**

**5C1 2 MEADOWS RD UNIT #1 AFFORDABLE RESALE**

Michelle Jarusewicz present.

The Community Housing Council and the Housing Specialist do not recommend purchase. This is

extremely time sensitive as the town has limited time to act. Note that this is a median income unit.

**MOTION:** *MOVE that the Board of Selectmen vote to approve a letter to the owner of 2 Meadow Road Unit #1 with the maximum resale price, that the town does/does not intend to exercise its right of first refusal, does/does not intend to locate an eligible buyer, and will assist the owner in doing so in accordance with the deed restriction.*

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

**5C2    HOMELESS PREVENTION COUNCIL**

Michelle Jarusewicz present.

The Community Housing Council approved the homeless prevention request on 3/21/11. The current balance in the AHTF is approximately \$253,163.

**MOTION:** *MOVE that the Board of Selectmen vote to approve an amendment to the FY 2011 grant agreement with the Homeless Prevention Council for \$20,000 in additional emergency housing assistance for Provincetown through December 31, 2011, and funded through the Provincetown Affordable Housing Trust Fund.*

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

**5D    CAPE SCHOOL OF ART – COMMUNITY CENTER PURCHASE**

Hilda Neily presented along with Board Members Bradley Jeffries, David Colburn, and John Clayton, as well as Midge Percalé ?

Cape School of Art is the oldest art school on the cape and is over 112 years old and was started by Charles Hawthorne and continued in later years by Henche were the founders. The school has continued to teach through other venues. The Cape School is seeking a building. The School has registered as a non-profit. The existing Community Center building is a perfect space for the school.

Letters in support received by Gwynne Seidell, Michael Gormley, Elizabeth Brooke, James Bakker and Marc LaCasse.

**6A    TOWN MANAGER’S FOLLOW-UP –**

Alzheimer’s Walk scheduled for May 22<sup>nd</sup>, 2011 has a revised route starting at Town Hall moving west down Commercial St to Provincetown Inn and back.

Schedule a public hearing for Monday, June 20<sup>th</sup> at 6:00 PM to outreach with property owners and businesses regarding the upcoming Commercial Street paving/drainage/water main replacement project.

Public meeting on the sewer expansion occurred last Saturday. The public did request a delayed restart in September.

Costume Ball scheduled for October 29<sup>th</sup>.

Sharon will be attending the Massachusetts Historical Commission presentation of the Massachusetts Historical Preservation award on May 25, 2011.

6B **OTHER** – None

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

8. **CLOSING STATEMENTS**

**David Bedard** - Nice job on the improvements to West End Playground and thank Robert Duffy for his donation. Concerned about Alden Street noise made by private business being conducted in a residential zone.

**Austin Knight** – Earl Chaddock is very ill, send warm regards to him and his family.

**John Santos** – None

**David McChesney** – None

**Elaine Anderson** – None

**MOTION:** *Move that the Board of Selectmen vote to proclaim Saturday, May 14, 2011<sup>h</sup> King Hiram’s Masonic Lodge Day.*

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

Motion to adjourn by Austin Knight at 10:00 PM.

Minutes transcribed by: Assistant Town Manager David Gardner, May 25, 2011