

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – MONDAY – AUGUST 8, 2011 6 PM**

**TOWN HALL – JUDGE WELSH ROOM**

Chairman Elaine Anderson convened the meeting at 6:00 PM noting the following

Board of Selectmen attending: Elaine Anderson, David Bedard, Austin Knight, John Santos and David McChesney

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Town Counsel John Giorgio

Recorder: Vernon Porter

The following are meeting minutes, in brief:

**1A PUBLIC HEARING: CURB CUT – 25 MILLER HILL ROAD**

Applicant, Joshua Prager

Chairman Anderson re-read the public hearing notice into the record.

Joshua Prager apologized to the Board in that he nor his contractor or engineer realized they had to have a curb-cut. Abutters notice (green cards) have been submitted.

**PUBLIC COMMENTS**

Mary Labelle - Miller Hill Road - Would like to explain the curb-cut for his driveway. We thought the property had access to the driveway to the north. The area is overgrown. Will you be cleaning up the area?

Applicant – No we don't have legal access to the existing driveway. I intend to landscape and maintain the area.

**SELECTMEN'S COMMENTS**

David Bedard – Service material will be gravel? Answer – Yes, I talked to the neighbors and found out what they used and that is what I used.

Elaine Anderson - Have you looked at any erosion issues? Answer: Yes, I had my architect look at it as well as town officials from the Community Development Department.

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

***a) Approve the request of Joshua Prager to establish a curb cut at the property located at 25 Miller Hill Road (Assessor's Map 13-2-33-G-R) (Res RB Zone).***

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

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

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

**1B JOINT MEETING WITH HOUSING AUTHORITY**

Not enough members present for a quorum. Meeting to be rescheduled.

**1C JOINT MEETING WITH HARBOR COMMITTEE.**

Harbor Committee members: Melvin Cote, Jerry Irmer, Roger Chauvette, Susan Avellar, Phillip Scholl Harbormaster Rex McKinsey and Town Counsel John Giorgio

Chairman Irmer explained that the Harbor Committee still does not agree with the State and a motion was made, and unanimously approved, to submit the original plan previously submitted in January and approved by the Harbor Committee and the Board of Selectmen.

Town Counsel John Giorgio gave a brief update and discussed the revised Harbor Plan that DEP and CZM has returned to the Town which contains recommended revisions. Consultation extension expires on August 16, 2011.

Town Counsel John Giorgio explained the three options before the Selectmen:

- 1) resubmit as recommended,
- 2) resubmit with deleted reference to Cabral's Pier, or
- 3) resubmit with DEP's recommended changes.

Open discussion

Open discussion ensued between Selectman, Attorney John Giorgio and Attorney Chris Snow representing the Cabral Family.

Peter Markunas - Engineer from Woods Hole - There are two letters that went to DEP. One on April 6<sup>th</sup>, and one sent last Tuesday. The April letter was a request from Mr. Cabral and follow-up conversation I had with Mr. Lynch. Mr. Cabral was trying to cover his basis to find out what would happen if he could not operate parking. He still has a Chapter 91 license and all conditions still remain in effect. If he could not maintain parking then he would not be able to pay for his employees or their benefits. Mr. Cabral asked me to write a letter on his behalf asking Mr. Lynch what he would have to be doing in order to maintain his next 5 year plan.

John Giorgio – There are several things to consider: 1) If Fisherman's Wharf was taken out of the plan, it may be approved with maybe some minor changes. 2) Let the Cabral's work directly with DEP on their Chapter 91 license. 3) The Town may want to support the Cabral's in their negotiations with DEP.

I would recommend to the Board to either keep the plan in place or take out any reference to Fisherman's Wharf.

Gerry Irmer – the Cabral's want the town to support them.

Elaine Anderson – This has been 10 years in the making and it is time to come to some conclusion. I thought the compromise we reached in January was adequate. In a conference call with DEP and CZM it was my impression that they had reached what was the best conclusion they could come to.

Attorney Chris Snow - We have engineers who can attest that the DEP has erroneous calculations. Consequences to the Town in revenues is staggering. It is time for the Town to tell the State no matter what they suggest this is what the community of Provincetown wants.

You have to support your Harbor Committee.

Robert Cabral – Gave some background on the process that his family has been going through with DEP and asked that the Selectmen support them and the Harbor Committee and stick with the original plan.

Elaine Anderson – Without the Chapter 91 license in place, I don't think the Cabrals would be able to sell. Do we want to have a revised plan with DEP and I'm hearing no.

**MOTION:** *Move that the Board of Selectmen vote to endorse the Harbor Committees vote on the Harbor Plan as previously submitted.*

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

---Motion withdrawn ---

**MOTION:** *Move that the Board of Selectmen vote to authorize Town Counsel to ask for an extension in the consultation period so that all parties can meet to discuss the Harbor Plan.*

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

## **1D     JOINT MEETING WITH BICYCLE ADVISORY WORK GROUP**

Attendees: Candice Nagle, Bill Meadow, Jeff Epstein and Clay Schofield P.E. Transportation Engineer for the Cape Cod Commission and Karst Hoogeboom representing the Cape Cod National Seashore.

Meeting called to order by Chairman Nagle at 7:44 PM.

At their meeting on Monday, July 25, 2011, the Board of Selectmen requested a joint meeting with the Bicycle Advisory Work Group. Clay Schofield, P.E. Transportation Engineer for the Cape Cod Commission presented a powerpoint presentation on the Cape Cod Rail Trail Extension – Wellfleet to Provincetown.

Chief Jaran - I fully support this project but we need to look at the overall picture. However, there are some things that have to be looked into.

Austin Knight – Thinks there should be a traffic study to see the unintended consequences.

**MOTION:** *Move that the Board of Selectmen vote that the Bicycle Advisory Working Group support refinement of the Rail Trail extension Project by the Cape Cod Commission and Cape Cod National Seashore, and a public process to define initial concepts which can be used to advance the project.*

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

**MOTION:** *Move that the Board of Selectmen vote to approve the removal of the signs on Shank Painter Road, “No Bikes on Sidewalk” and replace with “Share the Road”.*

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

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL Chapter 44, Section 53A, to establish a special gift fund to be named, “Town of Provincetown Public Bike Paths & Bike Safety Projects Gift Fund” with the balance in said fund to be expended to promote and implement the mission of the Bicycle Advisory Committee, including a bike public*

*awareness and safety program, and the expansion of public bike paths and bike amenities throughout the Town of Provincetown.*

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

Signage on the road called “sharrow” can be used for the most congested areas. Bicycle Working Group will come back to the Board once they have finalized this project.

**1E      LIBRARY CONSTRUCTION UPDATE**

Attendees: McGinley Kalsow and Associates, Wendell Kalsow, Principal and Mark Almeda, Project Architect, W.W. Reich, Inc., Bill Reich, Owners Project Manager.

This is a continuation of the Library walk-thru 9 AM meeting the Board had earlier today. Mark Almeda gave a briefing on the happenings at the library and a punch list they are working on. The interior construction of the building is complete except for the installation of the HVAC. The Exterior of the building is substantially complete, painting is nearing completion and the landscaping work and granite stairs should be complete by early September.

Mr. Reich spoke on the seeding of the lawn. Sod will be used instead of grass seeding.

**1F      LIBRARY CHANGE ORDER**

Mark Almeda, Project Architect explained reasons for the change order and answered questions from the Board of Selectmen.

**MOTION: *Move that the Board of Selectmen vote to approve the general construction change order #3 for the Provincetown Public Library in the amount of \$41,297.***

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

**MOTION: *Move that the Board of Selectmen vote to have the contractor proceed with sod replacement instead of grass seed for the lawn.***

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

**1G      WASTEWATER UPDATE**

Attendees: DPW Director David Guertin and Facilitator John Goodrich and Rob Adams from AECOM

**Facilitator John Goodrich**

The main topic in this month’s Wastewater Update Report is the planned fall construction program for Phase 3 of the sewer system. We are requesting that the Board approve this planned construction program. Mr. Rob Adams of AECOM is here tonight and he can walk you through the planned timing for construction in each area and answer any questions that you may have concerning both disruption to year round residents and businesses, and the steps that will be taken to minimize that disruption. The notification procedures will be similar to the ones used this past spring. For those areas where dewatering is required, AECOM and their contractor Robert B. Our will continue to work with the Conservation Commission to determine where to pump the groundwater and will use special silencers and sound enclosures for the pumps.

Briefly, AECOM proposes the following timetable for the three remaining work areas, which is designed to minimize detours and disruption as well as take into account MassDOT scheduling restrictions for Rte. 6A work and private property owner restrictions for pump station work.

1<sup>st</sup>. Rte. 6A work in the Beach Point area will start in September right after Labor Day, including starting the Commodore Ave. Pump Station, with work on the side streets to be done after the Commercial Street work is completed.

2<sup>nd</sup>. Bradford area work from Hancock to Priscilla Alden will start in the late fall and continue into the early spring; by delaying this work until after the Commercial Street work is completed, the Town can avoid having two areas with detours at the same time.

3<sup>rd</sup>. Snail Road pump station work located on private property owned by the Harbor Hotel will not start until mid-November and will be completed by the spring 2012.

The specific timeframe for the remaining work will depend on the weather next winter but in any case, it will occur from September to no later than June. All final paving work, including curb-to-curb paving will be done in those areas where both water and sewer main work has occurred. For those roads that are currently paved, they will be repaved. For those roads that are not currently paved, which includes most of the side streets in the Beach Point area, although they won't be paved, they will be restored and to probably better than they are now. Your report also provides an update on the status of Phase 3 connections. In general, wherever the construction for the changes to the sewer collection system has already been completed, connections have or can occur. Once the finishing up work at the Kendall Pump Station is completed, connections in that area can occur. For some of the areas where construction has not been completed – notably from Snail Road to Beach Point and for the recently approved section of Bradford Street from Hancock to Priscilla Alden – connections cannot occur until the additional treatment plant capacity is online.

The Sewer Team has already begun the design and permitting process for the capital improvements at the Plant. The critical path approval is likely to be the Cape Cod Commission approval of a modification to the 2001 DRI permit, and your Report summarizes the steps involved and the information that the Commission will be looking for. AECOM is working on preparing the information necessary for both Commission and state agency review. Once the preliminary information has been submitted, the Sewer Team will be scheduling a site visit to the Plant by Commission staff. We are looking to receive all necessary approvals no later than the winter of 2012. We would also like to report that the Plant successfully processed record flows over the July 4<sup>th</sup> weekend.

The Sewer Team has implemented the outreach program approved by the Board in June, which includes outreach to all of the areas currently served by the sewer system –as well as targeted outreach to other areas of the town. The targeted outreach areas include:

- The area generally bounded by the existing Phase 2 Shank Painter Basin collection system, the Shank Painter Pond area, and the existing Phase 1 West End collection system, which includes the Coastal Acres Campground that has requested a connection as well as a number of ACOs and EDP requests, and
- The area generally bounded by the Phase 2 Manor collection system and the to be constructed Phase 3 collection system along Bradford Street to Priscilla Alden. This area

includes Outer Cape Health, Maushope Housing, and a number of ACOs including ones on Miller Hill Road, as well as pending EDP requests.

The outreach letters and other information explain the ability to serve more properties and locations with the planned addition of capacity to the Treatment Plant, the need to identify and prioritize the interest as a part of a long term facilities planning review to be undertaken with the Board this fall, and the deadline of September 9<sup>th</sup> for property owners to sign up so as to take advantage of the current betterment rate. Since there are several large condominiums located in the outreach areas that have their regular association meetings after September 9<sup>th</sup>, the Department of Public Works will approve deadline extensions for these condominium associations if they request an extension in writing, as has been the case with other condominium associations in the past.

A neighborhood outreach meeting for approximately 50 East End property owners was held at the Harbor Hotel on July 9<sup>th</sup>, and another neighborhood meeting will be held on August 26<sup>th</sup> at the Provincetown Inn for West End property owners who will have received the targeted outreach mailing. The attendees at the July 9<sup>th</sup> meeting were interested in how the connection process would work, including how they should go about hiring a contractor, as well as the timeframe for hooking up. Several property owners in those areas on the boundary of Phase 3 where not enough people have signed up to pay for serving their area asked questions about the process and timing for determining whether the final boundary would include their property. Members of the Sewer Team addressed each of the questions that were asked, and met separately following the meeting with those property owners who had further questions. At the end of the sign-up period, the Sewer Team will review all of the identified interest as well as the other facilities planning information and provide the Board with recommendations for how to allocate the remaining Treatment Plant capacity. The other facility planning information will include:

- A review by the Town's Health Agent of all Administrative Consent Orders (ACOs) and anticipated public health needs that should be met by the sewer system.
- A review with the Administration of Town facilities and "public service use" priorities - including the CCNS Herring Cove bathhouse - to determine the future need for sewer connections or additional flows.

Rob Adams went over the map explaining the future timing and areas to be worked on starting in the fall and anticipate a completion date of June of 2012.

Austin Knight – Make sure that Michael Shay's has access to their restaurant. Once the plant is upgraded we need to have a discussion on Economic Development.

***MOTION: Move that the Board of Selectmen vote to approve the planned fall 2011 construction phasing presented in the attached report to the Board.***

**Motion by: David Bedard**

**Seconded By: John Santos**

**Yea 5 Nay 0**

## **2. PUBLIC STATEMENTS**

Mary Jo Avellar – Cape Cod National Seashore Advisory Rep, concerned about bill pending in Congress regarding the ability of Homeland Security to make certain improvements to public lands in the name of homeland security. (House Bill H1505)

Candace Nagle - Parking on Commercial Street west of the West End Parking Lot should be metered and urges the Board of Selectmen to consider having public sign to direct people to the west end parking lot to pay for their parking.

3. **SELECTMEN STATEMENTS**

**John Santos** - None

**David Bedard** – None

**David McChesney** - None

**Austin Knight**

**MOTION:** *Move that the Board of Selectmen vote to send a letter to Congressman Bill Keating, with a copy to our State and Local Representatives, asking for a response as to why he made his decision on HR1505, allowing Homeland Security to come into any National Park and take control.*

**Motion by:** Austin Knight

**Seconded By:** David Bedard

Yea 5 Nay 0

**Elaine Anderson** – Have staff look into 17 spaces on the West End of Commercial Street as brought up in public statements.

4. **APPOINTMENTS**

David McChesney recused himself as he is a personal friend of one of the applicants. John Santos also recused himself as a relative has a float on the Pier.

Chairman Anderson explained that the Board of Selectmen would be interviewing another applicant at our next meeting on August 22, 2011, and a decision by the Board will be made at that time.

The Board interviewed George Hitchcock of North Truro and Dr. Elise Cozzi from Provincetown.

5A **SCHOOL PARKING AND CIRCULATION PLAN**

Attendees: Superintendent of Schools Beth Singer and School Committee Member Jamie Kryszkiewicz.

At their meeting on Monday, July 25, 2011 the Board of Selectmen asked the Town Manager Sharon Lynn to schedule a meeting with Superintendent Beth Singer to discuss the school parking proposals for the coming year.

Superintendent Singer is proposing the following:

We will need 8 to 10 spaces at VMES.

Grace Hall Parking Lot 1

5 spaces abutting school property, between walkways which lead to the PHS back door will be designated: School Personnel Only – Year Round 7 AM – 6 PM, Monday thru Friday.

2 additional spaces in the same lane designated: School Business Only, September 2<sup>nd</sup> thru June 30<sup>th</sup>, 8 AM – 4 PM, Monday thru Friday.

17 spaces at the end of the lot designated: School Personnel Only, September 1st – June 30<sup>th</sup>, 8 AM – 4 PM, Monday thru Friday.

School personnel are to have placards on dashboard to verify status. Non-school employees in any designated space will be ticketed / towed.

Parents dropping off and picking up via the Grace Hall Parking Lot will not be charged for parking by writing 'school' on the ticket.

PHS front circle will be primary drop off/pick-up area. No parking or abandoning vehicles will be permitted in the front circle. Parents wishing to walk their children into the building will use the two (2) designated "business" spaces in the Grace Hall Lot, or other available spaces.

Police will be present in September to help establish the routines.

Open discussion ensued.

***MOTION: Move that the Board of Selectmen vote to approve the request of the School Department for their parking plan to be reviewed after one year.***

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

**5B    MEETING WITH PARKING ADMINISTRATOR**

Present: Parking Administrator Domenic Rosati and Parking Clerk Patricia Benatti.

At their meeting on Monday, July 25, 2011, Selectman David Bedard requested that the Parking Administrator Domenic Rosati attend this meeting to discuss the pay stations and to provide a list of all those that receive free parking permits.

The Parking Department issued the following report:

Free parking permits are issued to four (4) groups: (totals as of August 2, 2011)

Grace Hall /school employee  
Nonresident board  
Resident board  
Resident senior

Board permits:	<u># Issued</u>	<u>Resident</u>	<u>Nonresident</u>	<u>Totals</u>
School Employee	40	4@ \$55= \$220	36@ \$200= \$7200	\$7420
Lower Cape Ambulance	9	2@ \$55= \$110	7@ \$275= \$1925	\$2035
Fire & Rescue	43	30@ \$55= \$1650	13@ \$275= \$3575	\$5225
<u>Town Board members</u>	<u>99</u>	<u>94@ \$50= \$4700</u>	<u>5@ \$270= \$1350</u>	<u>\$6050</u>
Totals	191	130      \$ 6680	61              \$14,050	\$20,730

As of August 2, 2011, 728 resident senior permits were issued (59 yrs and over).

On July 18, 2011, 5 spaces were posted for school employees only, 7 AM to 6 PM.

It should be noted that at the July 25, 2000, Board of Selectmen's meeting, it was voted to allow nonresident town hall employees to purchase resident permits so they can use parking spaces upon the same terms and conditions as the resident employees. The reasoning was Town Hall employees do not have their own parking lot as do police, COA, DPW, and

Recreation. At the March 27, 2007 traffic hearing, the Board of Selectmen voted to extend resident permits (at resident rates) to nonresident library employees.

Open discussion ensued. No motions made.

**5C ANIMAL WELFARE GRANT**

Cape Cod Foundation Thomas C. McGowan Fund for Animals

- *Withdrawn* -

**5D PARADE PERMIT – AMERICAN LUNG ASSOCIATION**

27<sup>th</sup> Annual Autumn Escape Bike Trek

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Mr. Paul Curley of the American Lung Association, 460 Totten Pond Road #400, Waltham, MA to hold their Annual Autumn Escape Bike Trek on Sunday, October 2, 2011 from 10 AM to 3 PM. No rain date.*

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

**6A TOWN MANAGER FOLLOW-UP** - None

**6B OTHER** - None

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

**MOTION:** *Move that the Board of Selectmen vote to approve the following minutes:  
July 25, 2011 (Go into Exec Session) as printed.*

*July 25 2011 (Regular Meeting 6 PM) as printed.*

*August 1, 2011 (Special Mtg. 9 AM) as printed.*

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

**8. CLOSING STATEMENTS**

**John Santos** – None

**Austin Knight** - None

**David Bedard** – None

**Elaine Anderson** - None

**David McChesney** – Inquired about the status of the stormwater improvements to the Johnson Street Parking Lot.

Motion to adjourn by David Bedard at 10:13 PM

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen  
August 11, 2011