

**TOWN OF PROVINCETOWN - BOARD OF SELECTMEN**

**REGULAR MEETING – MONDAY – AUGUST 22, 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

Recorder: Vernon Porter

The following are meeting minutes, in brief:

**MOTION:** *Move that the Board of Selectmen vote to take agenda item #4 out of order.*

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

**4. APPOINTMENTS – PROVINCETOWN PUBLIC PIER CORPORATION**

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

The Board interviewed LeRoy B. “Scott” Fraser of Provincetown and Wellesley, MA.

*Move that the Board of Selectmen vote to appoint LeRoy B. “Scott” Fraser to the Provincetown Public Pier Corporation Board of Directors with a term to expire on July 29, 2016.*

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

David McChesney and John Santos returned.

**1A JOINT MEETING WITH PLANNING BOARD AND AD HOC ZONING BYLAW REVISION COMMITTEE**

Planning Board Members Present: Dorothy Palanza, John Golden, Mark Weinress and Peter Page.

Ad Hoc Zoning Bylaw Revision Committee present: Regina Binder, Anne Howard, Ted Malone and David Nicolau.

Both Committees called their boards to order at 6:20 PM.

At their meeting on Monday, May 23, 2011 the Board of Selectmen unanimously voted in favor of requesting an annual joint meeting with each board and committee of the Town. The intention of this meeting is to become acquainted with any members the Selectmen may not have already had the opportunity to meet, and to discuss matters of mutual importance as well as common goals for the coming year.

Both committees have been working on advancing Zoning Bylaw amendments and are here this

evening to discuss common goals. Attached is a Planning Board Report summarizing the articles the two groups have been working on to facilitate discussion and consideration with the Selectmen.

Committee members took turns going over and answering the Board of Selectmen's questions on each proposed Zoning By-laws within the agenda packet.

Alix Ritchie read statement into the record. (See attachment #1)

**MOTION:** *Move that the Board of Selectmen vote to take agenda item 6A out of order.*

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

**6A     ZONING BYLAW AMENDMENTS** - Referral to the Planning Board

Pursuant to the Town Clerk's memo dated August 27, 2007, the Planning Board submits the proposed Zoning Bylaw Amendment sections to the Board of Selectmen for referral to public hearing prior to Town Meeting. The attached Zoning Bylaw amendments have been prepared in coordination with the Ad Hoc Zoning Bylaw Revision Committee and forwarded to the Planning Board, who will hold a public hearing on Monday, September 19, 2011, to consider and approve language to be placed on the October 24, 2011 Special Town Meeting Warrant. A second Planning Board public hearing on the actual warrant language is scheduled for Monday, October 3, 2011.

**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 Monday, September 19, 2011, in order to be placed on the October 24, 2011 Special Town Meeting Warrant. Sections 2470, 3200, Article 6, Article 7 and Article 8.*

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

**1B     JOINT MEETING W/ CONSERVATION COMMISSION & HARBOR COMMITTEE**  
Beach Raking and Management Plan

Both committees already in session.

Harbor Committee members: Jerry Irmer, Roger Chauvette, Phillip Scholl, Chris Brooks and Harbormaster Rex McKinsey.

Conservation Commission Members: Hank Janowsky, Lynne Martin, Barbara Prato, Dennis Minsky and Brian Carlson

This meeting has been organized to bring stakeholders together in preparation for the start of the beach raking program and to begin discussions on an overall town-wide beach management program. Attachments to the agenda item summarizes the protocols and guidelines for these two programs.

Negotiations are ongoing to select a vendor.

**2.     PUBLIC STATEMENTS**

Sgt. Carrie Lopes - No Place for Hate Committee – made formal statement concerning the recent hate crime and the Fag Bash event at the Governor Bradford. Invited the Board of Selectmen to attend their next meeting at 6 PM on September 13, 2011.

Shirley Baker – Fell down three times on the brick sidewalks. Quite concerned about use of bricks and encourages the Board of Selectmen not to select bricks again. She would rather use anything but bricks.

Mark Skala – Publisher of Provincetown Banner spoke on the problems the town has been having for several months with the legal ads in the Banner. He apologized and assured the Board that mechanism have been put in place so that it will not happen again.

**MOTION:** *Move that the Board of Selectmen vote to have an open discussion with the Publisher of the Banner Mr. Skala.*

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

Austin Knight - Thanked Mr. Skala for coming and resolving the problem.

David Bedard – My concern is that the missing advertisements that the public will loose trust in Government.

John Santos - We would hate to look at alternatives.

Mr. Skala - I can assure you all that the Banner is here for you and, once again, I apologize for any problems this has caused the Town. Our reporter Kevin Mulaney is here this evening and I see no problem in putting a small article in the Banner to explain the situation and the resolution.

### 3. **SELECTMEN STATEMENTS**

**Austin Knight** - Regarding Ms. Baker falling. Deliver trucks should not be parking on sidewalks. Is there not a By-law and fines for trucks parking on sidewalks?

We need to have a conversation to look at vendors having bonds in case we have to go back to them.

Special thanks to the organizers of Carnival and DPW and Emergency Services.

**David Bedard** – Parking on sidewalks can be handled by the Parking Department. Trucks should not be parking on any sidewalk(s).

Congratulations to DPW for an excellent clean up after Carnival again this year.

**MOTION:** *Move that the Board of Selectmen vote to reappoint Mary-Jo Avellar as a regular member and Town Manager Sharon Lynn as an alternate member representing the Town of Provincetown to the Cape Cod National Seashore Advisory Commission effective immediately.*

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

**David McChesney** - Beach closures - we need to look more into why this is happening and what we can do about it.

**John Santos** - Until we clean up the sewer outfalls the problem is going to continue.

We have taxi stands but I see pedi cabs parking in all the available parking spaces possible.

Take notice of the paving completed on Franklin and Mechanic Streets. It looks good.

Need more trimming of hedges on the side streets at West Vine & Tremont Streets.

**Elaine Anderson**

**MOTION:** *Move that the Board of Selectmen vote to honor the request of the United Nations Association of greater Boston to proclaim October 24, 2011 as United Nations Day in the Town of Provincetown with this years theme "The United Nations: In Everyone's Interest".*

**Motion by:** Elaine Anderson      **Seconded By:** David Bedard      Yea 5    Nay 0

Need to deal with bike safety and enforcement. Need to look into this and start fining bikers.

Complaints about carnival -- too many open containers of alcohol from bars and restaurants.

Request to all committees/boards - when they meet with Board of Selectmen that their Chairman must attend and a quorum must be met, and if not to notify the Board of Selectmen's office in advance. Vernon will send a note to all.

**5A    LICENSING BOARD – ADOPTION OF FEES**

*David Bedard and John Santos recused themselves as they have a business license.*

Licensing Agent Darlene Van Alostyne gave a briefing as to the fee increase.

Open discussion ensued.

The Board of Selectmen would like to have more background as to where the \$60 fee came from and suggested that a survey other towns (Truro to Orleans) to see what their fees are and then report back to the Board of Selectmen.

*David Bedard and John Santos returned.*

**5B    AIRPORT COMMISSION – Replace Rotating Beacon**

Airport Manager Butch Lisenby explained that this project replaced the old Airport Rotating Beacon which was in a state beyond repair. Equipment will be paid for as follows: Mass Division of Transportation Aeronautics Grant 80%, Town of Provincetown Airport Commission 20%. The contract has been approved as to form by Town Counsel.

**MOTION:** *Move that the Board of Selectmen vote to execute a grant in the amount of \$8,200.00 from the Mass Division of Transportation, Aeronautics Division for the purchase of a Rotating Beacon for the Provincetown Municipal Airport.*

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

**5C    SIDEWALK UPDATE**

**Attendees:** Deputy DPW Director Sandy Turner and Russell Kleekamp Project Engineer – Wastewater / Infrastructure.

Russell explained that we had requested 85K in the grant for Street Scape improvements, so he is comfortable that the budget will not be an issue for selecting materials. The two

materials being considered are the Imprint Resin (Attachment #2) at an estimated installed cost of \$25 per square foot and concrete pavers at an estimated installed cost of \$15 per sf.

So, basically a 25 foot long by 4 foot wide crosswalk would either cost \$2,500 or \$1,500 for resin or pavers, respectively. Since we have a healthy budget, he does not think added cost of the resin will be an issue if that is the material the Board of Selectmen so chooses.

Few pros and cons of each material –

**Resin Pro's**

- Long lasting
- Retains shine
- Less maintenance / plow friendly
- Monolithic pour (no voids)

**Resin Con's**

- Higher cost
- Some argue "fabricated look"

**Paver Pro's**

- Rustic Look
- Less Cost

**Paver Con's**

- Voids lead to maintenance
- Not good for plows

Open discussion ensued between the use of bricks and the Imprint Resin.

Town Manager Sharon Lynn – suggest that we include all the crosswalks put out to bid from Johnson Street to Court Street.

David Bedard -We need some type of a plan to take care of the sidewalks outside the scope of this project.

**MOTION:** *Move that the Board of Selectmen vote to have a trial crosswalk using Imprint Resin as the material to use for crosswalks.*

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

**5D    DPW SERVICE CONTRACTS FOR FY 2012**

Attendees: Mark White of Environmental Partners Group and DPW Deputy Director Sandy Turner

Open discussion ensued on what is the best way to handle the cardboard and the single stream process. It is best to keep cardboard separate as it will produce more revenue.

Sandy Turner explained that these contracts are all budget items. With United Waste the hauling costs are stable because she knows they are going to one place, Rochester, NY. United Waste was the only bidder that offered revenue for our Single Stream that was in line with the RFP. The corrugated cardboard was similar in all bids, but it was decided it would be best for the Town if we stayed with one bidder.

**MOTION:** *Move that the Board of Selectmen vote to execute FY 2012 contracts for the hauling and disposal of our Single Stream Recycling and Cardboard Recycling as follows:*

1.) *Recycle Transportation Services is United Waste at \$280.00 for a 40 cubic yards container and \$330.00 for a 100 yd Trailer.*

2.) *Recycle Disposal Services is United Waste at; Official Board Market (the yellow sheet) #8 news price(high side) minus 50:50 revenue share for the remainder. The material would be delivered to their Rochester Facility.*

3.) *Corrugated Cardboard is United Waste – high yellow OBM #11 Corrugated Cardboard minus \$25.00 per ton.*

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

**5E    DPW SERVICE CONTRACTS FOR FY 2012**

Sandy Turner explained that this project was the installation of a new drainage system at the Court St Town Landing and for the new drainage system near 252 Bradford St. The entire project was for \$512,332.00 of which (60%) \$307,400 was paid from the 319 Grant and (40%) \$204,932.00 is from Chapter 90 funds. This is the last request to Chapter 90 for this project.

**MOTION:** *Move that the Board of Selectmen vote to have Chairman Elaine Anderson sign the Chapter 90 request for reimbursement in the amount of \$146,453.50.*

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

**5F    TOWN HALL AUDITORIUM – REQUEST FOR BEER & WINE SERVICE**

The Town Manager is organizing a resurrection of the Provincetown Beaux Arts Ball costume party to be held in the Town Hall Auditorium on Saturday, October 29, 2011 from 7 pm to 11 pm. The event is being sponsored and underwritten by Marc Jacobs Inc.

The Organizing Committee is met on Friday with Mark Jacobs Company. Catering will be done by Victors Catering.

**MOTION:** *Move that the Board of Selectmen vote to authorize the consumption or sale of beer, wine and champagne service in the Town Hall Auditorium for the Provincetown Beaux Arts Ball to be held on Saturday, October 29, 2011 from 8 PM to 11 PM.*

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

**5G    PARADE PERMIT: AIDS SUPPORT GROUP OF CAPE COD**

**MOTION:** *Move that the Board of Selectmen vote to approve the parade application permit submitted by Director Joe Carleo on behalf of the AIDS Support Group of Cape Cod, to hold their conclusion of 9<sup>th</sup> Annual Harbor to the Bay Bike Ride on Saturday, September 17, 2011 starting at 6:45 PM to 7:30 PM.*

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

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

**6C    OTHER - None**

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

**MOTION:** *Move that the Board of Selectmen vote to approve the following minutes:*

*August 8, 2011 (Special Mtg./Library 9 AM) as printed.*

*August 8, 2011 (Joint Mtg. w/Truro Board of Selectmen 5 PM) as printed.*

*August 8, 2011 (Regular Mtg. 6 PM) as printed.*

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

8. **CLOSING STATEMENTS**

**Austin Knight** - Bicycle Advisory Group needs to consider bike enforcement not just on Commercial Street, but all town roads.

**John Santos** – Have the Town Manager look into the Transfer Station to ensure that it is operating efficiently.

**David Bedard** – None      **David McChesney** - None      **Elaine Anderson** – None

Motion to adjourn by Austin Knight at 9:17 PM

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen  
August 24, 2011

BOS mtg 8/22/11  
attachment #1  
Vernon

To Members of the Board of Selectmen and the Planning Board:

This is a statement on behalf of a quorum of the members of the Planning Board who were on the Board when the Growth Management Bylaw and the town's first Master Plan were adopted by Town Meeting.

The Growth Management ByLaw was created to deal with the fact that Provincetown faced (and still faces) a finite limit on the amount of water that it has available for existing and new uses. The concept of the bylaw, as expressed in the Master Plan, was to parcel out growth over a period of time until the town reached its available safe water capacity limit (largely set by DEP). The intent was that the available growth should be extended over a period of time, originally 20 years, so that the town would not grow so fast that it would "hit the wall" and have to deal with a sudden end to its growth possibilities and the economic consequences if that were to happen. As originally conceived, the plan was for a "water rights" system; that plan was altered and adopted as the original growth management bylaw. At the time the bylaw was adopted, the town did not have a Water and Sewer Board.

As a majority of the board who were the originators of the bylaw, we would like to make two suggestions for your consideration:

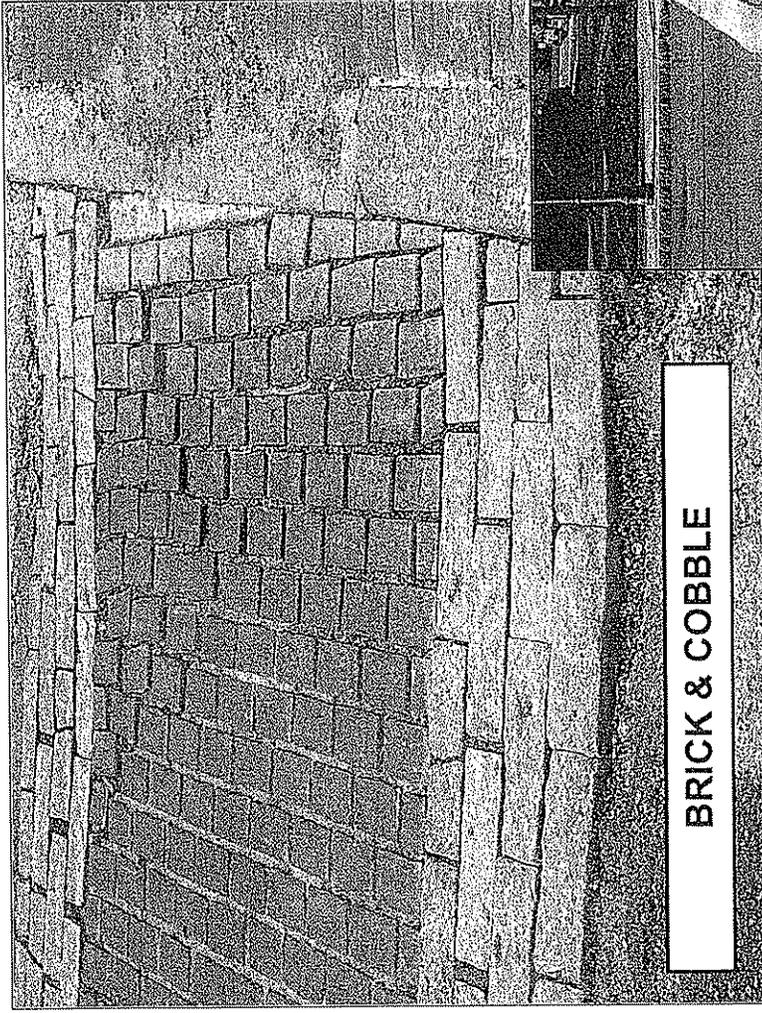
- (1) Especially now that we have a Water and Sewer Board, this regulatory structure -- which has very little to do with zoning -- should properly be with the board that regulates water, the Water and Sewer Board;
- (2) it was originally conceived of as a "water rights" system, and that is still the appropriate solution if the town wishes to stretch out the available water resources over time.

Alix Ritchie  
Sue Harrison  
Ruth Gilbert

Dos Mtg 8/22/11  
Agenda Item 5C  
Attachment #2

### BRICK AND COBBLE

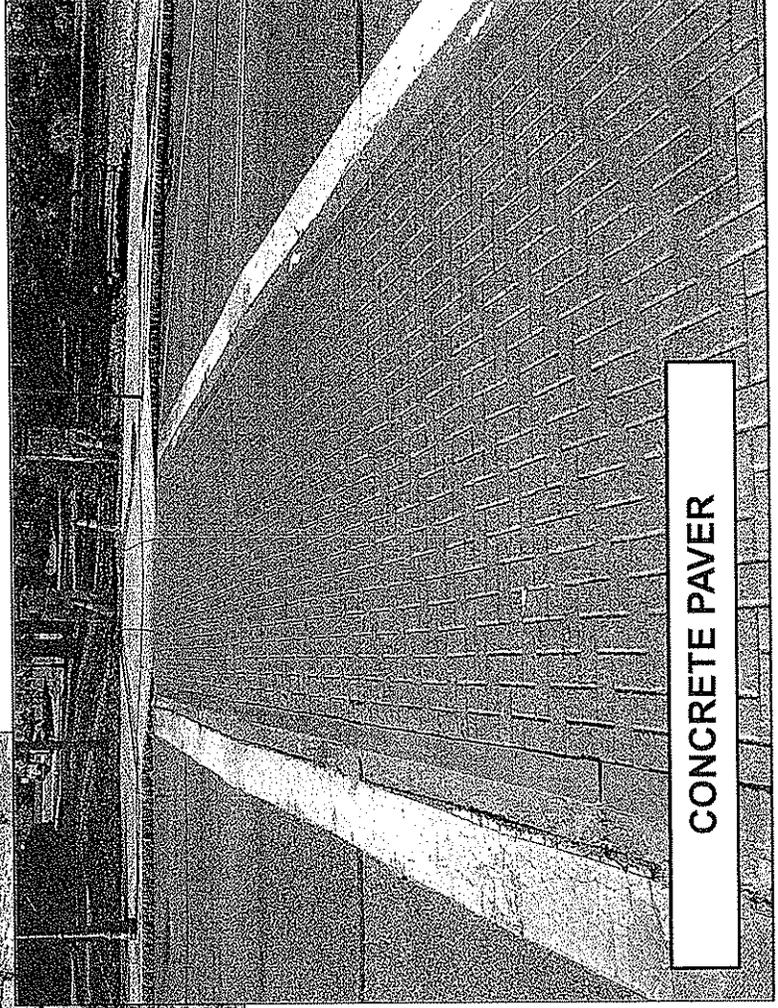
- Durability Issues
- Maintenance
- Plowing Concerns



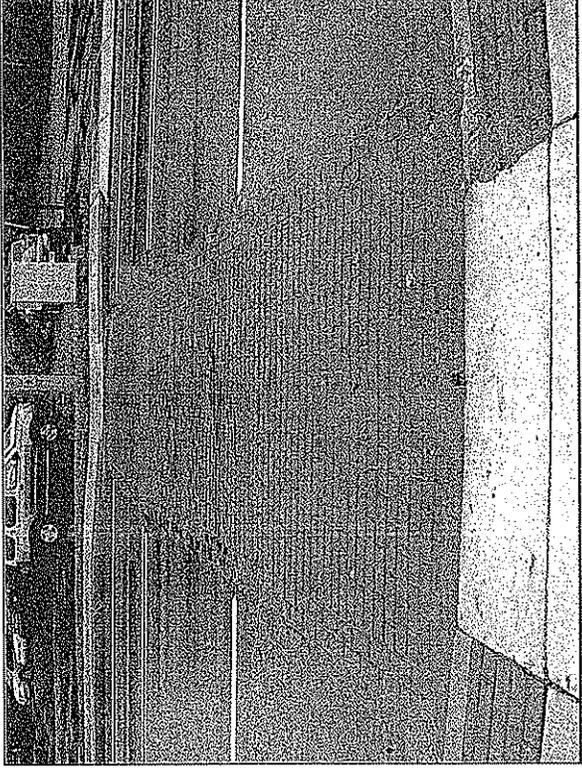
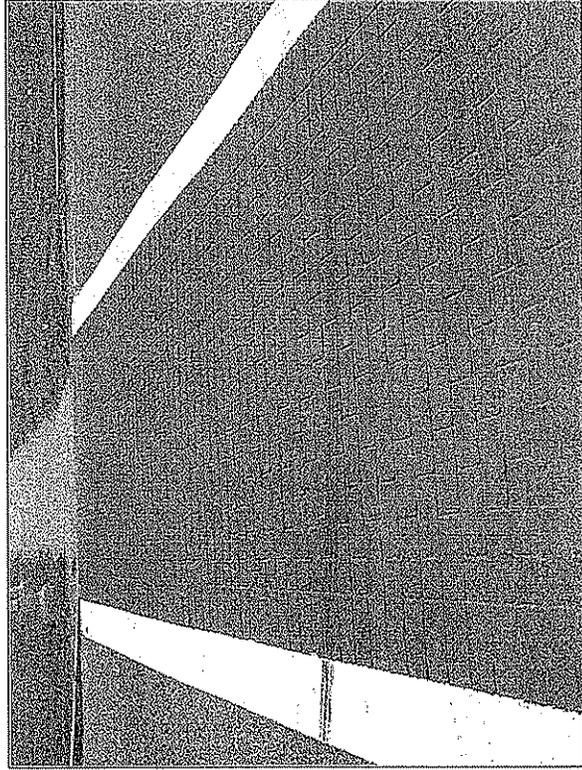
BRICK & COBBLE

### CONCRETE PAVER

- Color Fades
- No Contrasting Crosswalk



CONCRETE PAVER



#### IMPRINT RESIN

- Higher Cost
- Retains Color, Pigmented Throughout
- Highest SRV (Slip Resistance Value) of 55 – Asphalt is 40 +/-
- 30 to 45 Minutes for "Drive Ready" conditions
- Recommend Oxide Red (Brick) with Soldier Course to Match SW's

