

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

SPECIAL MEETING – TUESDAY – NOVEMBER 1, 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 attending: David Bedard, Austin Knight, John Santos and David McChesney

Excused Absence: Elaine Anderson

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

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

**1A PUBLIC HEARING: NSTAR (Pole Installation and Underground Cable)
Outer Cape Health Service - 49 Harry Kemp Way**

Representatives from NSTAR were unable to attend this evening as they were called to the Western part of the State due to power outages from the recent storm.

This agenda item continued from the Board of Selectmen's October 11, 2011 meeting so that the abutters return receipt certified mailing cards could be presented and entered into the record.

Secretary to Board of Selectmen Vernon Porter stated that there were no comments received from the public and that the returned certified abutter's green cards have been submitted.

See attached memo from John Browne, Electrical Inspector in support of NSTAR's petition.

MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.166,§22, to approve the request of NSTAR to install a new pole – 121/5.5; remove existing pole 140/1 and install approximately 75 feet of underground cable and conduit under Harry Kemp Way as indicated on Plan Number: 103617 dated September 6, 2011 as submitted by NSTAR provides a new underground feed to service Outer Cape Health Services located at 49 Harry Kemp Way, Provincetown, MA; and further that NSTAR provide an as-built plan to the property owner showing actual location and depth after installation.

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

1B ASSEMBLY OF DELEGATES REPORT (Dr. Cheryl Andrews)

Dr. Andrews gave an update from the Assembly, including a breakdown of County Finances, make-up of County government, role of the Assembly, and current issues before the County.

David Bedard – Can you explain for the viewing audience just what the Assembly of Delegates does or what their purpose is? Answer: The Assembly of Delegates is a legislative arm of county government consisting of 15 members with each member being elected for a two year term. The Assembly reviews and approves (or disapproves) proposed planning regulations submitted by the Cape Cod Commission. Provincetown's portion of weighted vote is 1.36%. The most important role is to review and approve the County Commissioners proposed Annual Budget.

Austin Knight – Raised the concern of a potential regional tax to fund wastewater planning. Answer – I agree with you 100%. Anytime you spread a tax around there is going to be questions of fairness – and those questions should be asked loudly. Everyone has heard from me the exact concerns that you have. I have been watching this for quite sometime and will keep you abreast of any changes forthcoming.

David McChesney – For what Provincetown contributes, do you think we actually get our monies worth? Answer – Yes, I feel we do get our monies worth.

David Bedard - Does any of the revenue sources come from the state or is it all just county government? Answer: Mostly grant money.

Dr. Andrews - If you would be so kind, if there is a vote you take concerning any of the county boards, commissions, or committees, please let me know. I will do the same thing for you – I will send you whatever I vote on.

David Bedard – The last town services reports were from 2008 – are they coming out with one for this year? Answer – They don't generate them annually. You might want to send them an invitation.

2. **PUBLIC STATEMENTS** - None

3. **SELECTMEN STATEMENTS**

Austin Knight

Special thanks to our Town Manager Sharon Lynn and Assistant Town Manager David Gardner and everyone else who was involved with the Beaux Arts Ball this past weekend. It was incredible.

MOTION: *Move that the Board of Selectmen vote to send a note of thanks to all town staff who contributed to the preparation of the Beaux Arts Ball.*

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

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Robert Duffy, the staff of Marc Jacobs International, Bryan Rafanelli and his staff for their contribution to the town for the Beaux Arts Ball.*

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

MOTION: *Move that the Board of Selectmen vote to have the Town Manager Sharon Lynn insert a letter into Assistant Town Manager David Gardner's personnel file thanking him for his work in preparing for town meeting.*

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

Last Thursday's Tour Guide Appreciation Day was a huge success. Tour buses play a huge roll in our economy. A nice note was received from Tom North thanking the Board of Selectmen for the proclamation and recognizing all the tour guides.

David McChesney

Congratulations to Town Manager Sharon Lynn and her entire staff for the Beaux Arts Ball. It was a very successful event and the town hall fund benefited. We should all get on board and

make Halloween a big event here in Provincetown every year.

John Santos

Town meeting went very well, and I thank all the voters who made town meeting work.

David Bedard

Question on the floor of town meeting regarding illuminated signs that was never answered by the Building Commissioner. I was hoping we can get an answer to that question – specifically projected illumination. David Gardner – There is no reference in the bylaws specifically on signs that are projected against a building wall. The Zoning Board has taken the issue up previously but there is no reference within the bylaws. Question – Is that something the ad hoc committee is going to be working on? Answer – We certainly could take it up.

We're trying to get the ad-hoc group to understand the importance of density and bringing something forward for the spring town meeting. At the same time the Zoning Board just recently approved an increased scale in a residential neighborhood which concerns me because when you increase the scale or the size of a home in a residential neighborhood you are actually increasing the density. We can save this for discussion in the future.

Our contract with SEMASS expires in 2015 – We should be discussing this as soon as possible as it has a large impact on our budget. Town Manager Sharon Lynn – Attorney John Giorgio has been the representative counsel for the Cape group in discussion regarding a new contract. I would recommend having John Giorgio come before the Board of Selectmen to discuss his findings. Early 2012 will be appropriate.

4. BOARD OF SELECTMEN'S APPOINTMENTS - None

5A WINTHROP STREET CEMETERY ASSESSMENT

Martha Lyon Landscape Architect: \$42,500

Present: Grant Administrator Michelle Jarusiewicz and Cemetery Commission Chair Richard Olson.

The advisory group [with representatives from the Cemetery Cm., CPC, Historic, & ConCom] to the Winthrop St Cemetery Assessment Project unanimously recommended Martha Lyon Landscape Architecture following interviews of 2 of the 3 firms that responded to the RFP. This project is funded through a CPA grant of \$44,500.

MOTION: *Move that the Board of Selectmen vote to award a contract in the amount of \$42,500 for the Winthrop Street Cemetery Assessment Conservation Plan to Martha Lyon Landscape Architect LLC of 313 Elm Street, Northampton, MA.*

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

5B COMMERCIAL STREET UPDATE

Attending: DPW Deputy Director Sandy Turner and Russ Kleekamp of GHD.

Russ Kleekamp of GHD went over the following information with the Board of Selectmen:

1. Scheduling

- Project to be advertised from 10/26 to 11/16.
- Expected Notice to Proceed (NTP) to be January 1, 2012.
- Expected to be substantially completed by 5/15/12 as previously directed by the Board of Selectmen.

2. Budget

- Project is expected to be bid at or below budget (646K +/-).
- Contingency of 120K will be carried for change orders.

3. Other

- Notifications (Doug did and excellent job and I think another email blast to all on the list with a project update would be appropriate.
- Technical Comments - Project will include both AC removal and abandonment in place to maximize funds.

David Bedard – It is very important that we send out another email blast to everyone.

Town Manager Sharon Lynn - We're on schedule and at our meeting on November 28th we'll bring the contract.

5C DPW: SURPLUS EQUIPMENT

MOTION: *Move that the Board of Selectmen vote to declare the following equipment surplus from the Highway Department:*

1-Think Car VIN#1fabp205320105104 Year ? Not working, can't get parts

1-Think Car VIN#1fabp215220105478 Year? Not working, can't get parts

1-Economizer Salt Sand Spreader – no motor, needs parts approx 1.5 cubic yards

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

MOTION: *Move that the Board of Selectmen vote to declare the following equipment surplus from the Airport:*

1-Ford F-350 4 wheel drive w/plow year 2000 VIN#1FTSF31FOYEA80264 – Fair to Poor Condition

1-Sander year 2000 – Very Poor Condition

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

MOTION: *Move that the Board of Selectmen vote to declare the following equipment surplus from the Water Department:*

1-Winco Generator-propane fired 125/250Volts – 4kw, portable – electric start

1-R-Dox 277/480 volts – 20 kw – 6016-T Mitsubishi – diesel 184 HP 1987

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

MOTION: *Move that the Board of Selectmen vote to declare the following equipment surplus from the Building and Grounds Department:*

1-John Deere Tractor MDL 322

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

MOTION: *Move that the Board of Selectmen vote to declare the following equipment surplus from the Parking Department:*

Surplus parking meters and miscellaneous parts.

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

5D1 **TREASURER’S TRANSFER** - Public Fountain Gift Fund

After paying this invoice a balance of \$6,650.76 remains in the Public Fountain Gift Fund.

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Town of Provincetown Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$200.00 from the Public Fountain Gift Fund to pay for the attached invoice(s).*

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

5D2 **TREASURER’S TRANSFER** – Captain Joseph F. Oliver Scholarship Fund

After paying this invoice a balance of \$511,680.18 remains in the Captain Joseph F. Oliver Scholarship Fund.

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$16,000.00 from the Captain Joseph F. Oliver Scholarship Fund for the payment of scholarship(s).*

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

5D3 **TREASURER’S TRANSFER** – John Anderson Francis Scholarship Fund

After paying this invoice a balance of \$1,180,763.10 remains in the John Anderson Francis Scholarship Fund.

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Scholarship Funds, to approve the transfer of \$10,900.00 from the John Anderson Francis Scholarship Fund for the payment of scholarship(s).*

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

5E1 **TREASURER: BOND ANTICIPATION NOTE #1083**

Treasurer Linda O’Brien explained that this loan covered the North Union Field Land Acquisition and other current expenses.

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1083 in the amount of \$2,000,000 dated November 15, 2010 at 0.84% (\$16,800) interest payable at maturity to Cape Cod Five Cents Savings Bank due November, 15, 2012.*

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

5E2 **TREASURER: BOND ANTICIPATION NOTE #1084**

Treasurer Linda O'Brien explained that this loan covered the Water System Capital Improvements.

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1084 in the amount of \$900,000 dated November 15, 2011 at 0.84% (\$7,560.00) interest payable at maturity to Cape Cod Five Cents Savings Bank due November 15, 2012.*

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

5E3 TREASURER: BOND ANTICIPATION NOTE #1085

Treasurer Linda O'Brien explained that this loan covers the Library renovations.

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1085 in the amount of \$636,410.162 dated November 15, 2011 at 0.84% (\$5,345.85) interest payable at maturity to Cape Cod Five Cents Savings Bank due November 15, 2012.*

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

6A VETERANS MEMORIAL SCHOOL /FREEMAN STREET BUILDING REPAIRS

MOTION: *Move that the Board of Selectmen vote to award a contract in the amount of \$1,090,000 for the Veterans Memorial School / Freeman Street Building Repairs to R.A.C. Builders Inc., 12 School Street, P.O. Box 846, Agawam, MA 01001.*

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

6B TOWN MANAGER SHARON LYNN FOLLOW-UP

Met with Superintendent George Price of the CCNS and he and his staff have been working with DPW Maintenance Supervisor Ray Duarte. Equipment will be stored at their facility location on Race Point Road.

Update from talks with the CCNS for temporary shared use of the maintenance yard during the construction at the highway garage. Talks continue for CCNS access to the booking room in the new Police Station, potential consideration for snow plowing of Moors Rd, etc... Town continues dialog with CCNS on joint ventures of mutual benefit to the two organizations.

Superintendent Price will be at the Board of Selectmen's November 28th meeting for an update of all these issues.

6C OTHER

MOTION: *Move that the Board of Selectmen vote to sign the Memo of Agreement with the Cape Cod Commission regarding the Shank Painter Road Study.*

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

7. MINUTES OF BOARD OF SELECTMEN'S MEETING

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

October 5, 2011 (Site Visit 9 AM); October 11, 2011 (Water & Wastewater 5 PM.); October 11, 2011 (Regular Mtg.); October 24, 2011 (Special Mtg. 4:30 PM) and October 24, 2011 (Town Mtg.

5 PM.)

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

8. **CLOSING STATEMENTS**

Austin Knight

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Doug Kress for his work with the Town.*

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

David Bedard – None David McChesney – None John Santos - None

Motion to adjourn by Austin Knight at 7:40 PM

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