

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

MONDAY – DECEMBER 12, 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 and Assistant Town Manager David Gardner

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

1A1 PUBLIC HEARING: CURB CUT REQUEST - 95 BRADFORD STREET

Austin Knight recused himself.

Chairman Anderson read the Public Hearing Notice and opened the meeting to the public for comments.

Public Comments – None

Chairman Anderson read a letter from the applicant's attorney requesting postponement.

MOTION: *Move that the Board of Selectmen vote, at the request of the applicant's attorney James M. Norcross, to postpone this public hearing until a time certain of January 23, 2012.*

Motion by: David Bedard

Seconded By: John Santos

Yea 4 Nay 0

1A2 PUBLIC HEARING: CURB CUT REQUEST - 12 HARRY KEMP WAY

Chairman Anderson read the Public Hearing Notice and opened the meeting to public for comments.

Public Comments in Favor – None

Public Comments Against

John Reis – Concerned that his curb cut request is dependent upon approval of this request, due to refusal of the owners to cooperate.

Lynn Martin resident of Aunt Sukeys Way – Opposed to this curb cut and read statement into the record. (Attachment #1)

Chairman Anderson read a letter from abutters Cheryl and Ray Duarte (Attachment #2).

Present: Applicant of 21 Conwell Realty Trust John Rogers and his son Jeff Rogers gave a background as to why they are seeking this application.

David Gardner – Gave his reasoning for not recommending the addition of a 60 foot truck unloading zone and to remove the existing landscaped buffer in this area.

Selectmen Comments

Lengthy discussion ensued ending with the following comments:

Town Manager Sharon Lynn – Two things needs to happen: 1) Seek an engineering plan to be paid by applicant. 2) Placement of the unloading zone to be reviewed by Town Counsel and brought before Selectmen to make a decision.

David Gardner – My recommendation, and I believe that of other staff, was made to acknowledge the existing 80 feet of paving parking access and to allow the obstruction to the rear access way that leads to the apartments and other homes to be cleared. That is a public safety issue, as I have met with the police department and other town staff on the site and have talked with tenants at the apartments. We do not think it is consistent with the Selectmen's policy to further widen the existing curb cut to include the truck off-loading zone as that would extend the curb cut to a total of approximately 140 feet. I believe some compromise is possible here to give all parties what they need to resolve the conflict and address the legitimate public safety concerns.

MOTION: Move that the Board of Selectmen vote to continue this agenda item until a time certain of Monday, January 9, 2012; pending revised plans reducing the unloading zone, maintaining a landscaped buffer and engineer plans to deal with stormwater runoff.

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

1A3 PUBLIC HEARING: CURB CUT REQUEST - 16 HARRY KEMP WAY

Chairman Anderson read the Pubic Hearing Notice and opened the meeting to public for comments.

Applicant – John Reis spoke on why he is seeking this application and willing to work with Conwell Lumber. “All I’m asking for is to open up the road.”

Public Comments In Favor

Pauline Richmond – abutts both of these properties and owns the easement on her side of the road. This is a safety issue. Ask the Board of Selectmen to consider long and hard on the choices they make.

Opposed – None

Selectmen Comments

Open discussion ensued ending with the following motion:

MOTION: Move that the Board of Selectmen, pursuant to MGL C. 11, § 6-2, to approve the permit request of John Reis on behalf of 21 Conwell Realty Trust to establish a curb cut at the property located at 12 Harry Kemp Way (Assessor’s Map 12-3-31-B) (Res B Zone) to serve the property at 16 Harry Kemp Way, subject to the approval of an engineering plan for stormwater improvements to handle all stormwater coming from the driveway onto Harry Kemp Way and to preserve as much landscaping as possible.

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

1B JOINT MEETING WITH BOARD OF ASSESSORS

Revised Assessor’s Fees

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. The Chair and a quorum of each committee must be in attendance.

Present: Chairman Patty DeLuca, Bob Sanborn and Principal Assessor Paul Gavin,

Paul Gavin explained the necessity for increasing the fees and that the Board of Assessors held a public hearing on Tuesday, December 6, 2011, at which time the Board of Assessors approving the fee increases 4-0, and thereby seeking the approval of the Board of Selectmen in accordance with the Town of Provincetown General By-laws Chapter 6-6.

MOTION: *Move that the Board of Selectmen vote to approve the revised Assessor's Fees per attached public hearing notice and as approved by the Board of Assessors at their meeting on Tuesday, December 6, 2011.*

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

1C NSTAR – INTRODUCTION / UPDATE

Mr. Dennis Galvam – NSTAR Manager, Community Relations & Economic Development

Mr. Galvam requested that he come before the Board of Selectmen to introduce himself to the board, replacing Mr. Jeff Luce upon his retirement, and to give an update on the happenings by NSTAR in Provincetown.

- 1) Redundancy in this area working with the sewer team. Work on Route 6 replacing 45 utility poles and upgrading wiring. Allocated funds to upgrade 90 Shank Painter Road including vegetation – and would like to wait until the complex across the street is completed.
- 2) Working closely with Chief Jaran prior to any storms and as well as critical care facilities.
- 3) Crew in Provincetown – we straddle between Provincetown and Truro and look at every storm on as needed basis.

Board of Selectmen

Glad to see that 90 Shank Painter Road will be upgraded.

Austin Knight – Tree trimming – we look forward to your plan for trimming the trees. Storm emergencies – would like to see first responders start from Provincetown during winter storms.

David McChesney - Double poles at the East end are unsightly. Answer: Comcast & Verizon have to transfer their own lines. It is something that will be taken care of, and if you let us know which ones are more unsightly, we will take care of them as NSTAR works closely with Comcast and Verizon.

Sharon Lynn – What is the possibility of having a substation here in Provincetown (generator).
Answer – I would have to get back to you on this.

Sandy Turner – Piggy-back poles – does that include the light fixtures? Answer: We would help to take them down and put them back up. We want to keep them away from our wires.

1D POLICE DEPARTMENT/HIGHWAY GARAGE MAINTENANCE FACILITY

Award Contract

MOTION: Move that the Board of Selectmen vote to table this agenda item until a time to be determined in order to allow more time to finalize the language and workout contract issues.

Motion by: Austin Knight

Seconded By: John Santos

Yea 5 Nay 0

1E EMPLOYEE HEALTH INSURANCE REFORM

Adoption of M.G.L. c. 32B §§ 21 –23

Present: Employee Benefits Administrator Pam Hudson.

Ms. Hudson explained that M.G.L. c. 32B §§21-23, passed this past summer by the Massachusetts State Legislature and signed by Governor Patrick on July 12, 2011, provides municipalities with a mechanism to adjust certain features of employee health insurance plans – such as co-pays and deductibles – to more equitably share the cost of health insurance between employer and employees. It is a local option as to whether to take advantage of this law as a mechanism for potential savings, or to remain with the status quo.

The law allows co-pays and deductibles to be brought into line with those charged by the most subscribed state Group Insurance Commission (GIC)** plan, currently the Tufts Navigator plan. Co-pays and deductibles may be equal to or less than the Tufts Navigator, but not higher. These adjustments are expected to prevent health insurance premiums from increasing as much as they otherwise would. However, the percentage split between the Town and the employees (currently 80%/20%) remains subject to negotiation with the individual bargaining units.

Why we do not have any choice:

If the Board were to decide that Provincetown will not offer the amended plans, we would have to withdraw from the CCMHG. We would have to bargain with the insurance companies ourselves, and would not be able to negotiate the rates that CCMHG, with 11,000 subscribers, has been able to get. So we would not be offering the same terms the employees have been used to getting. We would instead be put in the position of offering less for more money.

On the other hand, if we can show that, by joining the GIC, we could save 5% more than we will save by staying with the CCMHG, we are allowed to opt for the GIC instead.

Once the CCMHG comes out with the rates for FY 2013 and the percentage savings represented by the changes, c.32B §21 binds us to a very specific timeline for notification of groups representing employees. The regulations specifying this timeline, as well as a summary of the timeline, are attached to your agenda item.

Once the timeline is set in motion, we use our own database of employees (how many on which plan, how many family vs. individual) and the 80%/20% split to determine the expected savings for Provincetown over what we would have had to pay without the changes. Twenty-five per cent (25%) of the expected savings in the first year must be given back to the employees. The mechanism by which this will happen is the subject of the negotiations with the yet-to-be-formed Public Employee Committee.

MOTION: *Move that the Board of Selectmen vote that the Town of Provincetown elect to engage in the process to change health insurance benefits under M.G.L. c. 32B, Sections 21-23.*

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

2. **PUBLIC STATEMENTS** – None

3. **SELECTMEN STATEMENTS**

John Santos

Set tax rate is an accomplishment. Need to reconsider the location of police station. Should consider location at the water property on Winslow.

Austin Knight

Attended the Senior Dinner at the VFW and presented them with the proclamation.

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to the Provincetown Business Guild for hosting the Annual Senior Dinner.*

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

David Bedard

Recognize improvements to Finance Department and congratulate Town Manager Sharon Lynn and Municipal Finance Director Dan Hoort. Happy Holidays to all.

David McChesney

Echo congratulations on tax rate approval. Parking ticket check finally cleared.

Elaine Anderson

Special thanks to Austin for his service to the public, and for him attending events and representing the BOS.

4A **BOARD OF SELECTMEN'S APPOINTMENTS**

MOTION: *Move that the Board of Selectmen vote to appoint Benji Fox to the Historic District Commission with an expiration date of December 31, 2014.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Mary-Jo Avellar to the Library Board of Directors with a term to expired at the May 2012 Annual Town Election.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Douglas Cliggott as a regular member of the Bicycle Committee with an expiration date of December 31, 2012.*

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

MOTION: *Move that the Board of Selectmen vote to appoint Candace Nagle and Jeffrey Epstein as regular members of the Bicycle Committee with an expiration date of December 31, 2013.*

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

MOTION: *Move that the Board of Selectmen vote to appoint William Meadow and Michael Peregon as regular members of the Bicycle Committee with an expiration date of December 31, 2014.*

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

5A DPW SERVICE CONTRACT FOR ROAD SALT

County Bid for Road Salt – FY 2012

DPW Deputy Director Sandy Turner explained that this service for Provincetown is bid out under the County bids. Provincetown had two bids. Eastern Minerals from Lowell, MA is the low bidder and has been for the last 8 years.

MOTION: *Move that the Board of Selectmen vote to execute a contract with Eastern Minerals Inc. of Lowell, MA, to provide salt for winter snow removal to the Town of Provincetown for Fiscal Year 2012, at the contract price of \$58.25 per ton.*

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

5B1 TREASURER’S TRANSFERS

Library Building Gift Fund - Belfry

Town Manager to look into the intent of the Belfry Gift Fund, and as to whether the fund can be used for furnishings.

5B2 TREASURER’S TRANSFERS

Library Building Gift Fund – Furniture.

MOTION: *Move that the Board of Selectmen vote, as Commissioners of the Library Building Gift Funds, pursuant to MGL C44 § 53A, to approve the use of \$6,632.24 from the Library Building Gift Fund – Furniture to pay for the attached invoice(s).*

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

6A SET DATES FOR FY 2013 BUDGET REVIEWS

MOTION: *Move that the Board of Selectmen vote to set the FY 2013 budget reviews meetings for the following dates: Tuesday, January 3, Wednesday - January 4, Wednesday- January 11 and Thursday - January 12, 2012 starting at 5 PM in the Judge Welsh Hearing Room, Town Hall, 260 Commercial Street, Provincetown.*

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

6B TOWN MANAGER SHARON LYNN FOLLOW-UP

In answer to Selectmen’s Santos comments – the Police Station location was voted on at Town Meeting and I recommend we move forward and see what the architects can come up with in the design of the site. We will continue to work with the Cape Cod National Seashore people to see if we can work with them on a transition plan for the highway garage.

6C OTHER - None

7. MINUTES OF BOARD OF SELECTMEN’S MEETING

MOTION: *Move that the Board of Selectmen vote to approve the minutes of November 28, 2011 (Water & Wastewater 5 PM) as printed.*

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

8. **CLOSING STATEMENTS**

John Santos – None **David Bedard** – None

Austin Knight – Holiday wishes

David McChesney – Holiday wishes.

Elaine Anderson – Holiday Wishes

Motion to adjourn by Austin Knight at 9:05 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
December 14, 2011

Bos-12.12.11 top
Attachment #1

I, Lynne Martin of 4 Aunt Sukeys Way, strongly oppose the curb-cut application for Joan Rogers on behalf of 21 Conwell Realty Trust at the property located at 12 Harry Kemp Way, as it is currently proposed.

This proposal includes the paving of the upper property and the lower Town owned property, which would mean a loss of green area and a total of 2700 sq.ft. of asphalt ^{AROUND}.

We lose another portion of the Harry Kemp aesthetics. Each year we see more and more growth and development occur on this road. It is nice to be able to keep what trees and shrubs we can. This area is a big pedestrian and dog walk site and these changes will not enhance or benefit the neighborhood.

Do we know the results that will come from paving this large area? Will the catch basin be able to support the run off or are we creating another area of concern for DPW?

Why would we want to turn over town land for a business's benefit? How do we keep it from it becoming a free public parking lot? What benefit does the town receive?

This street for some years now has had its issues with traffic going too fast and I believe that we will be asking for trouble if this change is allowed without fully considering the impact on the traffic flow and safety.

I don't see that the plans are taking into consideration the grading of the area, since this site has about a 5 ft. slope.

Does this solve the neighborhood dispute or is it just a bandaide solution till next time.

What happens to:
- SIGNS + POSTBOXES
- 5 maple trees.

(BETTERMENT TO THE SITE)

I sit on another town board & when an applicant is proposing changes we consider what betterment can occur to benefit the town & neighbors

Attachment #2
BOS- 12-12-11

December 9, 2011

To: Board of Selectmen

Re: Curb Cut - 12 Harry Kemp Way

Regarding the curb cut requested by Conwell Lumber for 12 Harry Kemp Way, we, as direct abutters, are against the town affording any easement requested for the truck unloading zone.

For years, the delivery trucks have always parked on the left side of Harry Kemp Way for unloading purposes and it has never been a problem.

We strongly urge the Board of Selectmen not approve this request.

Cheryl & Raymond Duarte

Cheryl & Raymond Duarte
5 Harry Kemp Way
Provincetown, MA 02657

RECEIVED
BOS - Vernon

DEC - 9 2011

CC: BOS/TM/ATM