

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

MONDAY – FEBRUARY 13, 2012 6 PM

TOWN HALL – JUDGE WELSH ROOM

Chairman Elaine Anderson convened the meeting at 6:12 PM noting the following:  
Board of Selectmen attending: Elaine Anderson, Austin Knight and David McChesney

Excused Absence: David Bedard (Death in Family) and John Santos (Vacation)

Other attendees: Town Manager Sharon Lynn, Assistant Town Manager David Gardner and Finance Director Dan Hoort

Recorder: Vernon G. Porter

6 PM. Chief Jaran made a presentation with plaques to Rachel Peters as Officer of the Year and Animal Control Officer Ruthann Cowing as Civilian Employee of the year.

The following are meeting minutes, in brief:

## 1A PUBLIC HEARING: CURB CUT REQUEST - 95 BRADFORD STREET

Attendance: Applicant Peter Denault and his attorney James M. Norcross.

Chairman Anderson informed the general public that this public hearing was opened on December 12, 2011 and that the Public Comments portion was closed at that time. Further, at that meeting, the Selectmen *voted, at the request of the applicant's Attorney James M. Norcross, to postpone this public hearing until a time certain of January 23, 2012.* Since that time Attorney Norcross requested another *postponement until February 13, 2012.*

Austin Knight - I spoke with the State Ethics Commission today and they feel that I can sit on this agenda item, and suggested that I file a disclosure with the Town Clerk, which I have done.

Attorney Norcross gave a briefing as to why they are requesting this curb cut.

### Board of Selectmen

Austin Knight – asked the Chief of Police to comment.

Chief Jaran Comments - Has reviewed this application and understands both the applicant's and the town's reasoning's – however, safety does come into play here, and that is the main issue.

Elaine Anderson - You do not meet 5 of the 8 criteria, and you would also need substantial grading. Therefore, I cannot support this request.

David McChesney – All the departments, except of the Fire Department, did not approve this request. And I agree with Chairman Anderson that you do not meet the criteria outline in the Curb Cut Policy.

Austin Knight – Can you read the five criteria that the applicant does not meet? Chairman Anderson read them to the applicant then called for a vote.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to MGL C. 11, § 6-2, to NOT approve the curb cut permit request of James Norcross on behalf of Eliot Denault to establish a curb cut at the property located at 95 Bradford Street (Assessor's Map 11-3-55-R) (Res 3 Zone).*

**Motion by:** Elaine Anderson    **Seconded By:** David McChesney  
Yes 2    Nay 0    Abstain 1 (Austin Knight)

**1B    PUBLIC HEARING: NSTAR Pole Installation**

Chairman Anderson read the public hearing notice into the record.

Representative for NSTAR: Right of Way Agent Karen Corriveau

No written correspondence/comments received by the Board of Selectmen's Secretary prior to this meeting.

Town Electrical Inspection John Browne supports NSTAR's petition. All abutters were notified of the public hearing by the Permit Coordinator via regular mail and a copy of NSTAR's petition is attached to this agenda item.

**Public Comments** - None

**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 – 111/6 as indicated on Plan Number: 103627 dated December 01, 2011 as submitted by NSTAR to provide electric service to 11 Willow Drive, Provincetown, MA; and further that NSTAR provide an as-built plan to the property owner showing actual location of said pole.*

**Motion by:** David McChesney    **Seconded By:** Austin Knight    Yea 3    Nay 0

**1C    JOINT MEETING WITH CEMETERY COMMISSION**

Cemetery Commission Members Present: Chair Richard Olson, Gregory Howe, Charles Westcott and Mark Collins.

Chairman Olson went over the Cemetery Commission's FY 2011 Annual Report (i.e.; Status of Alden St expansion.) Plans for future columbarium. Work on the Winthrop St Cemetery Preservation project is ongoing, diligence of keeping the area clear is vitally important. Finances of the Cemetery Commission have been brought into line. Must maintain the purpose of the Perpetual Care account. The work on accounting of existing cemetery plots within the Alden St Cemetery is progressing.

Elaine Anderson – Congratulations on all your accomplishments.

David McChesney – What is the amount of funds remaining? Dan Hoort - Funds remaining: as of June 20, 2011 is \$271,479. \$243,000 is non-expendable. \$28,479 is expendable.

Greg Howe – Commission owes a great deal of appreciation to David Gardner and Lynn Martin for working with us on various projects.

2. **PUBLIC STATEMENTS**

Dr. Brian O'Malley – Started a new group called Cape Care. Read statement into the record concerning herbicides being used by NSTAR to spray areas on the Cape. (See attachment #1)

Catherine Russo – Spoke on the same subject as Dr. O'Malley. (See handouts attachment #2)

Candace Collins-Boden – Executive Secretary to Provincetown Chamber of Commerce. The Chamber and VSB support extended MPL restroom times in off-season. Weekdays during February school vacation week. April thru October during parking season; November Thanksgiving week, December Holiday week, New Years Eve and Day. (See attachment #3)

Barbara Rushmore – 1) I've written the Board asking you to sponsor an article for Town Meeting to re-support the Real Estate Transfer Tax. 2) Requesting improvements to Lopes Square to move an existing bench and add new benches pursuant to the plan approved by the Beautification Committee (Attachment #4), 3) Ask Board of Selectmen to support ban for any herbicide use in the Town.

Donald Witcomb – 213 Bradford Street - Would like to see the Cudworth Street historic sign put back which recognizes the significance of Orthodox Road. (See attachment #5 – Record of Roads). This will be placed on a future agenda for consideration.

LouAnn McComb – Wave Beauty Salon, Shank Painter Road - Supports bylaw changes that handle signs in store windows, etc.

Scott Caldwell - Jonathan Williams Salon, Bradford Street - Received the same letter concerning signage. Existing signs were approved by the town, and now we are being asked to remove those signs. Ask Board of Selectmen to look at the new amendment to the Sign Bylaw and support it.

3. **SELECTMEN STATEMENTS**

**David McChesney**

First day for the water replacement on Commercial Street and it went well.

**Austin Knight**

***MOTION: Move that the Board of Selectmen vote to support State Representative Sarah Peak's House Bill H3564 regarding NSTAR vegetation in lieu of spraying.***

**Motion by: Austin Knight      Seconded By: David McChesney      Yea 3      Nay 0**

Ask town staff to look at the expansion of restroom hours.

Barbara Rushmore's real estate transfer tax.

***MOTION: Move that the Board of Selectmen vote to resubmit the Town Meeting Article regarding Real Estate Transfer Tax.***

**Motion by: Austin Knight      Seconded By: David McChesney      Yea 3      Nay 0**

***MOTION: Move that the Board of Selectmen vote to resubmit the Town Meeting Article regarding Extension of the Room Tax.***

**Motion by: Austin Knight      Seconded By: David McChesney      Yea 3      Nay 0**

Ask staff to take a look at the sign regulations and report back

**MOTION:** *Move that the Board of Selectmen vote to place a stay on any fines for interior neon signs until Town Meeting.*

**Motion by:** Austin Knight - **MOTION WITHDRAWN** -

The sign on Cudworth could be approved similar to Portuguese Square. Staff should bring information forward and provide a recommendation.

Town Manager Sharon Lynn - Letter requesting cooperation by business owners. Sought Town Council opinion, and there will be an article on the warrant.

Regarding East End resident Dorie Seavey letter. Need to have follow-up at our next meeting.

Relative to Ms. Rushmore's request for more benches at Lopes Square ...where do we get the money for this? (Answer: Beautification Committee)

Chairman Anderson read comments from Selectman John Santos: Relocation of Benches at Lopes Square.

**Elaine Anderson**

Request and update for the janitorial standard rental fees for Town Hall.

Would like to have Town Manager Sharon Lynn become part of the Mayors for Freedom to Marry group. Sharon – Explained that this group is for elected officials only.

Wants to let people know that Phase III hooks up are delayed pending the expansion of the Waste Water Treatment Plant.

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

The Board interviewed Joan Smart for the Council on Aging opening and Michele Couture, Joe Carleo, Diana Fabbri and David Maxfield for the two position on the Provincetown Housing Authority.

**MOTION:** *Move that the Board of Selectmen vote to appoint Joan Smart as a Regular Member on the Council on Aging with an expiration date of December 31, 2014.*

**Motion by:** Austin Knight      **Seconded By:** David McChesney    Yea 3    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to appoint Joe Carleo as a interim Regular Member on the Provincetown Housing Authority with an expiration date of May 1, 2012.*

**Motion by:** Austin Knight      **Seconded By:** David McChesney    Yea 3    Nay 0

**MOTION:** *Move that the Board of Selectmen vote to appoint Michelle Couture as a interim Regular Member on the Housing Authority with an expiration date May 1, 2012.*

**Motion by:** David McChesney      **Seconded By:** Austin Knight    Yea 3    Nay 0

**5A RISE ENGINEERING CONTRACT**

Veterans Memorial Community Center - Building Mechanic Design Services

Town Manager Sharon Lynn gave an update and background for this project.

RISE Engineering Dave Mitchell in attendance to answer any questions. The current system has failed and needs to be replaced. New energy efficient hot water system will be installed. We will change from oil to propane, as well as adding a zoned system for greater efficiency. Cape Light has reviewed this proposal and is looking at grant funding incentives. All new high efficiency boilers.

**MOTION:** *Move that the Board of Selectmen vote to execute a contract in the amount of \$16,375 with RISE Engineering, 1341 Elmwood Avenue, Cranston, Rhode Island, 02910, for the Veteran's Memorial Community Center Building Mechanical Design Services.*

**Motion by:** Austin Knight     **Seconded By:** David McChesney     Yea 3     Nay 0

## **5B     COMMERCIAL STREET UPDATE**

**Attendees:** DPW Deputy Director Sandy Turner and Nate Weeks of GHD.

Nate Weeks updated the Board on the progress on the Water Main project for Commercial Street which started today as planned.

- Work went well and there were no problems.
- The work during the first week will include installation of the bypass piping (Mr. Weeks gave a brief description of the piping and how it is used to provide water to the adjacent properties when the water main is being replaced) and digging test pipes to verify the location of underground pipes.
- During the following weeks the Contractor will do the excavation and replace the water main.
- The contractor will start at Freeman Street (in the east) and work to the Post office (in the west).
- The work will be disruptive but everyone is working together to make it as acceptable as possible.
- We will keep everyone informed through email blasts, notices in the newspaper, and periodic updates at BOS meetings.

Construction will occur until end of April, with clean up till mid-May.

**MOTION:** *Move that the Board of Selectmen vote to take agenda item 5F out of order.*

**Motion by:** Austin Knight     **Seconded By:** David McChesney     Yea 3     Nay 0

## **5F     TRANSFER STATION UPGRADES**

**Present:** DPW Deputy Director Sandy Turner and Mark White of Environmental Partners.

General bids for the "Transfer Station Upgrades" project were received on February 1, 2012. A memorandum summarizing the bids received and the review provided by Environmental Partners Group is attached to agenda item. Based on this review, Robert B. Our, Inc. is recommended as the lowest responsive and eligible bidder in the amount of \$231,600.

This project is being funded under the 2011 Annual Town Meeting (April 4, 2011) Article 5. FY 2012 Capital Improvements Program, Item 5: Single Stream Recycling, as approved, in the amount of \$334,900.

Construction should be substantially completed by Memorial Day.

**MOTION:** *Move that the Board of Selectmen vote to award a contract for upgrades to the solid waste transfer station and recycling facility, consisting of installation of a large compaction unit for single stream recyclables and appurtenant work, to Robert B. Our Company in the amount of \$231,060.*

**Motion by:** David McChesney      **Seconded By:** Austin Knight      Yea 3    Nay 0

**5C1    OPEN CAPE**

Capital Improvement – CIP 136-2 Open Cape Connection

**Present:** MIS Director Beau Jackett, OpenCape CEO Dan Gallagher and OpenCape Construction Coordinator Gary Delius.

Three anchor intuitions will be connected to the OpenCape network in the fall of 2012 at no cost to the Town of Provincetown – Town Hall, the Public Library, and VMCC. This capital request will cover the costs associated with connecting additional municipal buildings to the OpenCape network. This would benefit the town in two important ways:

- Allow all town buildings to participate in the OpenCape network
- Create a high-speed Municipal Area Network (MAN)

The Town of Provincetown currently does not have a MAN, which means that municipal buildings are not physically connected to the same network. In the absence of a MAN, we have established a Virtual Private Network (VPN). This technology connects municipal buildings over the internet, and as such, is inherently slow. In order to be secure, the VPN connection is encrypted – this further reduces the bandwidth for internet connectivity.

Unfortunately, a Virtual Private Network is not sufficient to run enterprise applications – including MUNIS, our financial system, and Inhance, our water and sewer billing system. The connection is so slow that it can take up to 60 seconds for the program to respond to a command from the user. Also, computer users outside of Town Hall don't have access to our central server – which makes things like streamlined authentication and centralized file sharing difficult to accomplish.

**MOTION:** *Move that the Board of Selectmen vote to approve Capital Improvement – CIP 136-2: Open Cape Connection in the amount of \$200,000.*

**Motion by:** Austin Knight      **Seconded By:** David McChesney      Yea 3    Nay 0

**5C2    OPEN CAPE**

Temporary License Agreement

**Present:** MIS Director Beau Jackett, Open Cape CEO Dan Gallagher and Open Cape Construction Coordinator Gary Delius.

Dan Gallagher went over the different types of network (fiber-optics and microwave) and the reason for them, and also wants the Board of Selectmen approval for OpenCape to put an antenna on the Town's water tower. *(See attachment #6).*

**MOTION:** *Move that the Board of Selectmen vote to approve the OpenCape request for a LICENSE for placement of antenna and related equipment at the Winslow 1 Water Tank as requested in OpenCape's correspondence to the Board on January 10, 2012 subject to final negotiation of the License Contract by the Town Manager with OpenCape. The*

*Board further instructs the Town Manager to communicate the Board's desire for the Town of Provincetown to participate in an RFP process with Barnstable County for a longer term LEASE instrument to replace the LICENSE at some point in the future and to assist OpenCape."*

**Motion by: Austin Knight      Seconded By: David McChesney      Yea 3    Nay 0**

**5D    AIRPORT COMMISSION - EA/FEIR/DRI PHASE IV**

Airport Manager Butch Lisenby explained that this contract outlines the Permitting and Design efforts necessary to enable Provincetown Airport to construct our Capital Improvement Projects (CIP) as defined in the Final Draft of the Final Environmental Impact Report (FEIR)/Environmental Assessment (EA)/ Section 4(f)/Development of Regional Impact (DRI) document (FEIR/EA/Section 4(f)/DRI; EEA No. 13789).

The Cape Cod Commission (CCC) has established that 90% design plans ensure enough information is available for them to make a determination on specifics, under their DRI review process. Also included in the contract is the Wildlife Hazard Assessment, now required by the FAA. This grant has been approved as to form by Town Counsel with Addendum.

Funding Breakdown: FAA 95%, MassDOT 2.5% and the Town 2.5%.

**MOTION: *Move that the Board of Selectmen vote to execute a contract in the amount of \$1,305,000 with Jacobs Engineering Group, 343 Congress Street, Boston, MA. 02210 for the consultant work required for the Phase IV Environmental, 90% Design, Final Terminal Concept, Energy Assessment and Wildlife Hazard Assessment at the Provincetown Municipal Airport.***

**Motion by: Austin Knight      Seconded By: David McChesney      Yea 3    Nay 0**

**5E1    PARADE PERMIT REQUEST – Alzheimer's services of Cape Cod**

Approved by Chief Jaran along with letter from Lt. James Golden. This is a duplicate of last year's event.

**MOTION: *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Molly Perdue, on behalf of the Alzheimer's Services of Cape Cod, 765 Attucks Lane, Hyannis, MA 02601 to hold Fundraising Walk to be held on Sunday, May 20, 2012 from 11:30 AM to 1:00 PM***

**Motion by: Austin Knight      Seconded By: David McChesney      Yea 3    Nay 0**

**5E2    PARADE PERMIT REQUEST**

Provincetown Business Guild Annual Carnival Parade

**MOTION: *Move that the Board of Selectmen vote to approve the Parade application submitted by Executive Director Erin Atwood on behalf of the Provincetown Business Guild for the purpose of holding their Annual Carnival Parade to be held on Thursday, August 16, 2012 from 3:00 pm to 5:30 pm. No rain date.***

**Motion by: Austin Knight      Seconded By: David McChesney      Yea 3    Nay 0**

**5G**    **TREASURER'S TRANSFERS** – John A. Henry Trust Fund

This is a payment supported by a contract between the Town and the Cape Cod Children's Place. The contract authorizes \$14,457.84 to be expended from the John A. Henry Trust Fund in FY 12 to assist less fortunate children leaving a remainder for FY 12 of \$13,305.59.

The Estate of John A. Henry has a balance after this award of \$538,142.37.

***MOTION:*** *Move that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$1,152.25 from the John A. Henry Trust Fund for the payment of the attached invoice(s).*

**Motion by:** Austin Knight            **Seconded By:** David McChesney        Yea 3    Nay

**6A**    **APRIL 2, 2012 ANNUAL & SPECIAL TOWN MEETINGS**

Set Dates for Opening and Closing of Warrants

***MOTION:*** *Move that the Board of Selectmen vote to open the Monday, April 2, 2012 Annual and Special Town Meeting warrants forthwith; and to close them on Thursday, March 1, 2012 at 5:00 p.m., in accordance with Charter §2-1-7.*

**Motion by:** Austin Knight            **Seconded By:** David McChesney        Yea 3    Nay

**6B**    **TOWN MANAGER SHARON LYNN FOLLOW-UP**

At their meeting last week, the FinCom asks if there would be any additional expenses for the Veterans Memorial Community Center. I spoke with McGinley Kalsow and the cost for engineering study is approximately \$7500.00.

**6C1**    **ZONING BYLAW AMENDMENTS** – Referral to the Planning Board

This is a procedural step. 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 Zoning Bylaw amendments have been prepared and forwarded to the Planning Board, who will hold a public hearing on Monday, February 27, 2012, to consider and approve language to be placed on the April 2, 2012 Annual Town Meeting Warrant. A second Planning Board public hearing on the actual warrant language is scheduled for Monday, March 19, 2012.

***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, February 27, 2012, in order to be placed on the April 2, 2012 Annual Town Meeting Warrant.*

**Motion by:** David McChesney            **Seconded By:** Austin Knight        Yea 3    Nay

**6C2**    **OTHER** - None

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

*Move that the Board of Selectmen approve the minutes of:*

*January 3, 2012 (Budget Mtg. 5 PM) as printed; January 4, 2012 (Budget Mtg. 5 PM) as printed; January 9, 2012 (Regular Mtg. 6 PM) as printed; January 11, 2012 (Budget Mtg. 5 PM) as printed; January 23, 2012 (Water & Wastewater 5 PM) as printed; January 23, 2012 (Regular Mtg. 6 PM) as*

*printed; January 30, 2012 (Budget Mtg. 5:15 PM) with changes so noted.*

**Motion by: Austin Knight**

**Seconded By: David McChesney**

**Yea 3 Nay**

**8. CLOSING STATEMENTS**

**David McChesney** – None

**Elaine Anderson** – None

**Austin Knight** – Regarding SEMASS – The town of Bourne would be happy to come before our Board and make a presentation regarding the potential to accept solid waste at their facility in lieu of SEMASS.

Motion to adjourn by Austin Knight at 9:18 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen  
February 17, 2012

See related attachments ..

Good evening, ladies and gentlemen.

We are a recently-formed group of outer cape residents, here tonight to represent the public health interest of this community, which of course draws all its water from our sandy single-source aquifer, and to press our concerns about the use of toxic herbicides by NSTAR to control vegetation in power line rights-of-way.

We recognize that we will ultimately drink everything that we spray or dump into our environment.

With toxins, as with ionizing radiation, there are no "safe" limits to exposure.

Most of the chemicals introduced into our environment have never been adequately tested for their toxicity alone, much less in combinations, or with "carrier" agents- solvents, essentially, that may be even more toxic than the herbicides themselves. And the breakdown products produced thorough soil microbial interactions are completely unknown.

My work with the Cape Care Coalition, through most of the last decade, has focused on the central role of a public health perspective to most cost-effectively maintain our collective wellness. And my work as a primary care physician, for thirty-five years, confirms that the prevention of disease is clearly both preferable personally, and less costly, than its treatment.

Spraying poisons- poisons that we know will end up in our groundwater - is a socially unaffordable solution to the problem maintaining of rights-of-way.

It is no doubt the least expensive method for NSTAR, but unfortunately, creates certain groundwater contamination and potential health problems, for which the community will pay the bills. This is a transfer of the real costs of spraying, from NSTAR's bottom line to ours own.

And it must be unacceptable for all of us who draw our drinking water from the ground.

Whose water? Our water! Whose health? Our health!

This is our commons. Or as Woody Guthrie put it, "this land is your land, this land is my land..."

We are here tonight, to ask you to support efforts to prevent herbicide use by NSTAR, to help protect this most critical and irreplaceable resource- our drinking water.

*As reported this weekend in the Falmouth Enterprise, a dozen of the 13 Cape Cod towns within the spray areas have passed resolutions formally opposing NStar's herbicide plan, citing concerns over the project's impact on groundwater, wildlife, and residents living near the areas identified for spraying.*

Of course, even Provincetown and Truro, outside the spray area, draw our water from the same lens. This concern is ours as well.

Thank you

Boshty 2.13.12 attach #2



## Delay the spray

### NStar should postpone applying herbicides

April 06, 2010 2:00 AM

Most residents of Cape Cod pay close attention to what goes into the ground. The peninsula is served by a sole-source aquifer and is completely dependent on groundwater and groundwater-influenced surface water for its drinking supply.

Cape Cod soil is highly porous and anything that can migrate beneath the service can end up damaging water-dependent resources, including municipal and private wells.

The example of the chemical pollution plumes emanating from the Massachusetts Military Reservation taught us to be wary of any ground application that might have a negative environmental impact.

NStar, the Cape's electricity distributor, filed a plan with the state Department of Agricultural Resources (DAR) earlier this year for controlling vegetation along its electric transmission and distribution lines in the 66 municipalities that it serves in Massachusetts. Thirteen of the 15 towns on Cape Cod are directly affected by the plan.

At issue is the company's intention to use herbicide sprays, including the highly mobile Metsulfuron and Imazapyr, for long-term control of vegetation. These chemicals, along with the others that will be used, have been approved by the state for limited spray areas.

But even though NStar has used herbicides for more than a dozen years, there are many who believe that the practice should be re-examined and perhaps stopped altogether.

It may surprise people that a substantial number of Cape residents rely on private wells for their drinking water. This is especially true of the Outer Cape, but there are also parts of Sandwich, Falmouth, Bourne and Barnstable that are not served by municipal water systems. Many of these private wells are in close proximity to electrical transmission lines and are not plotted on maps currently being used by NStar.

Town and county officials and residents have asked the state DAR to require NStar to give towns more time to locate and plot these private water sources before the company begins spraying later this spring.

With the complexity of updating maps of sensitive areas on Cape Cod, it would seem reasonable that NStar would be agreeable to a moratorium on spraying this year. The Cape Cod Commission wants 12 months to complete the task.

NStar, however, seems bent on going ahead with spraying, perhaps as early as June. This does not seem, in our view, the action of a good corporate neighbor.

Regardless of how the outcome plays out, the current dispute has raised the possibility that alternative methods of vegetation control, such as mowing and pruning, or the use of organic-based spray compounds, might be better-suited for the unique Cape environment.

In addition to the Cape Cod Commission, a number of other groups, including the Cape Alliance for Pesticide Education, Concerned Citizens Against Herbicide Use, and the Association to Preserve Cape Cod, have initiated campaigns to ask that NStar re-examine its spraying policy on Cape Cod. They have the support of the entire Cape legislative delegation.

We join in the concern and call for NStar to take another look at how the use of herbicides affects the Cape's natural resources and human population. Delaying this year's spraying, as a cautionary measure, is a prudent course. And it's the right thing to do.

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# The Commonwealth of Massachusetts

## House of Representatives

State House, Boston, 02133-1054

Room 540, State House  
TEL. (617) 722-2090  
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**CLEON H. TURNER**

STATE REPRESENTATIVE  
1<sup>ST</sup> BARNSTABLE DISTRICT  
BREWSTER DENNIS YARMOUTH

### *Bill Summary*

**Bill Number:** House Bill 3564

**Docket Number:** House Docket 3587

**Title:** An Act Relative to Vegetation Management

**Filed By:** Rep. Cleon H. Turner

**Co-Petitioner:** Rep. Sarah Peake

**Co-Sponsor:** Rep. Timothy R. Madden

#### **Summary:**

- The legislation would require the vegetation management proposer to negotiate with any community that did not want the said proposer to use chemicals for vegetation management within their community.
- The negotiations would result with the community and the proposer agreeing to cooperate in conducting the vegetation management without using chemicals.
- A potential negotiated agreement would be that the community would arrange for the work to be done and the proposer would contribute at least the amount of money they would have spent using chemicals. Though that might mean that the community might bear some additional expense, it would also mean that the groundwater would be better protected.
- If the entity seeking to control the vegetation and the municipality are unable to come to an agreement within 60 days of beginning discussions, the disputes shall be decided by a mutually-agreed upon arbitrator.
- Should a reasonable no-spray agreement be offered to a municipality and an agreement is not reached within 90 days, the entity seeking to control the vegetation may apply its choice of pesticides/herbicides, as approved by the Massachusetts Department of Agriculture.

# Rally decries NStar spray tactics

## Protesters urge company to eliminate herbicide use under power lines

By PATRICK CASSIDY  
pcassidy@capecodonline.com

**SANDWICH** - With dozens of colorful protest signs in hand, a group of about 40 people opposed to the use of herbicides under local power lines drew what they called a "line in the sand" Wednesday during a rally overlooking the Cape Cod Canal.

"The public has spoken loud and clear," said Sylvia Broude, organizing director of the Toxics Action Center. "It's time for NStar and Northeast Utilities to listen."

A merger of the two large electric utilities, which have a combined value of \$17.5 billion, is under review by the state Department of Public Utilities. The merger has become a flash point for issues such as the proposed Nantucket Sound wind farm and NStar's vegetative management plan, which until two years ago included the use of herbicides to control plant growth beneath power lines on the Cape.

Opponents of the plan hope to use the merger to pressure the companies to make the current voluntary moratorium on herbicides permanent.

"We're just asking both companies to take some leadership on this issue," Broude said.

After Broude spoke, state Sen. Dan Wolf, D-Harwich, threw his support behind eliminating herbicide use on the rights of way.

All 15 towns on the Cape have made their position known, Wolf said of a resolution signed by every Cape town calling for an end to the spraying.

"NStar can and should look for alternatives to keep the power lines clear," he said.

Alternatives, according to herbicide opponents, include mowing, the use of nontoxic products and goats or other animals to maintain the rights of way.

The issue is an opportunity to take a Capewide inventory of the use of chemicals, Wolf said.

The Cape Cod Commission is working on such an inventory, which includes mapping wells near NStar's rights of way, testing groundwater for chemicals and educating the public.

Thousands of people have signed a petition asking NStar to stop spraying and hundreds more, including businesses, have committed to not using pesticides on their own properties, said Sandra Larsen, spokeswoman for GreenCAPE, a nonprofit organization that opposes NStar's use of herbicides.

"This is a particularly strong condemnation of our environment with chemicals that we don't need to be adding," said Craig Slatin, professor and chairman of the Department of Community Health and Sustainability at the University of Massachusetts sets at Lowell.



STEVE HEASLIP PHOTOS/CAPE COD TIMES  
"The public has spoken loud and clear," said Sylvia Broude, organizing director of Toxics Action Center, at a press conference Wednesday at the Cape Cod Canal, addressing NStar's use of herbicides under power lines.

Slatin, who attended the rally, is one of more than 70 scientists and health professionals statewide who have signed a letter opposing the spraying, according to organizers of Wednesday's event.

But Michael Durand, a spokesman for NStar, said in a telephone interview Wednesday that the "continued focus on NStar by some who oppose herbicide use on the Cape is misleading."

NStar has willingly partnered with state and local officials to minimize the Capewide use of herbicides,

Durand said.

"And during that time not only have we been the only ones to step up and voluntarily stop our use of herbicide use on the Cape, but research has shown that our regulated use contributes only a tiny fraction of herbicide use there," he said.

The amount of pesticide NStar uses to control vegetation is small compared with estimates by the state Department of Agricultural Resources released earlier this year for what homeowners use.

Herbicide use should be part of the state's decision on whether to approve the merger between NStar and Northeast Utilities, according to Wolf.

"This type of merger should hinge on responsible corporate behavior," he said.

NStar and Northeast Utilities are still separate companies and operational issues such as the use of herbicides are not a typical part of merger discussions, Durand said.

A spokesman for Northeast Utilities did not respond to a message left seeking comment on the issue.

Although he stopped short of saying there was no place for chemicals on the Cape, Wolf, who is the CEO of the Cape's largest airline, Cape Air, called NStar's spraying of herbicides under the power lines "simply inexcusable."

Bos nty 2/13/12  
Attachment #3

## MPL PUBLIC REST ROOM SCHEDULE RECOMMEDATIONS FOR 2012

Submitted by  
Provincetown Chamber of Commerce

The Provincetown Chamber of Commerce Visitors Center & business office is located next door to the MPL public rest rooms which have been traditionally open on a daily basis from May thru October and on weekends from November thru mid-April.

As great as this schedule is we have observed that there are busy off-season times when the MPL rest rooms really should be open to serve our visitors.

Between the Chamber, PBG and VSB/Tourism Office there are many off season events which we all spend money on to draw visitors to town and the greatest amenity when arriving (outside of free parking) is having a conveniently located, heated rest room available.

**We are pleased that the MPL rest rooms are open weekends and Monday holidays off season but see a need to have them open the following additional times:**

**In February** we recommend that the MPL rest rooms be open **weekdays** during MA school vacation week. Dates: **February 21, 22 & 23**

**In April** we recommend that the MPL rest rooms open daily from the first day of April (when the MPL parking lot starts to charge for parking) until the end of October. Except for 2011 the MPL rest rooms have been open only weekends the first two weeks of April.

**In November** we recommend that the MPL rest rooms be open weekdays (not just the weekends) of Thanksgiving week. Dates: **November 19, 20, 21**

**In December** we recommend that the MPL rest rooms be open weekdays (not just the weekend) of the holiday week: **December 24, 26 & 27** as well as New Year's Eve Day: **December 31** and New Year's Day: **January 1, 2013**

Although there are porta potties located in MacMillan Parking Lot and public rest rooms in Town Hall and Provincetown Library open most week days... we see that our visitors are in need when they go to the rest room doors, do not know the town so any signage with maps and directions to other facilities is frustrating and its not in the least welcoming.

The time frames we have suggested coordinate with holidays, school vacations, start of whale watch season and charging in the public parking lots. We spend Provincetown tourism dollars to invite visitors to our town in the off-season and need to provide a basic amenity (conveniently located, heated rest room facilities) to those who respond to our invitation. The return on good customer service for the extra 11 DAYS is well worth the small expenditure it will take to open the already heated facility.

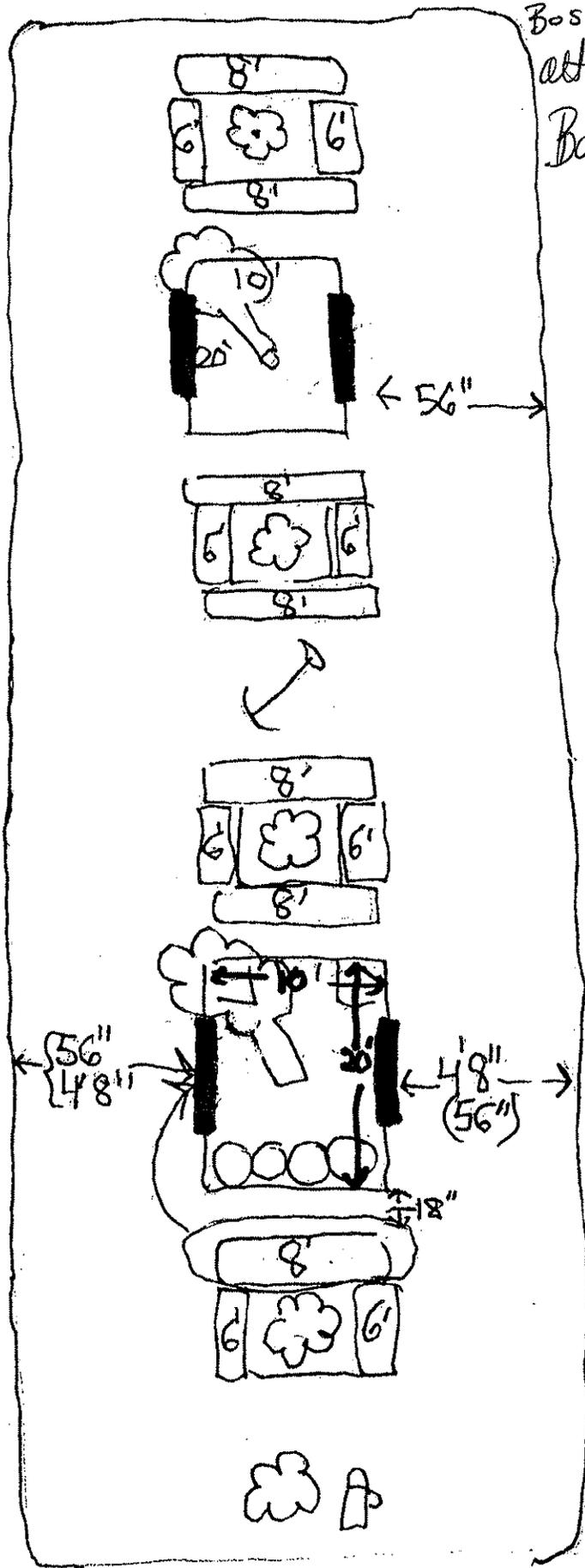
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Barbara Rushmore  
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COMMERCIAL ST.

Barbara Rushmore 9/26/11 2/10/12

Cridwell Street

2ND EDITION

Commencing on Court Street 1 rod 20 links from the South West corner of Francis Crocker dwelling house, the first bound can be found;

Thence North 28° East by land of said Crocker 4 rods 19 links to a stone bound;

Thence North 31 1/2° East by land of said Crocker 3 rods 14 links same corner, by private way 2 1/2 links same corner, by land of Heirs of Rebecca Vickerson 2 rods and 2 links, same corner by land of Wm. Alexander Crocker 4 rods 18 links to a bound;

Thence North 12 1/2° East by said Widow Crocker 1 rod 17 links, same corner by land of Philip Cook 7 rods 23 links to a bound and ~~from way~~ ~~known as the~~ ~~settlement~~ road, said road to be on the North East side of said corner and to be twenty feet in width;

The above described road the Selectmen report to the Town for their acceptance, and if accepted, to be known as a public Town way.

We award the owner of the land over which said road passes as follows viz;

G. W. Halway	30.00	Heirs of Rebecca Vickerson	4.00
Thomas H. Small (Limo)	7.50	Wm. Alexander Crocker	45.00
Francis Crocker	1.00	David Young	4.00
Owner of private way	50	Philip Cook	8.00

We allow the owner of the land over which said road passes four months from the day of acceptance to remove buildings, fences, trees and other movable obstructions.

Accepted by the Town (Abraham Chesman) Selectmen (Edw. H. 1864) (Robert Saper) (S. S. Clifford) (Town Clerk)

A true copy Attest: Elizabeth Dyer Town Clerk

A true copy Attest: S. S. Clifford Town Clerk

BoS Mtg 2-13-12  
attach #6

Agenda Item  
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Town of Provincetown • February 2012 • Confidential

