

# TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

MONDAY – APRIL 23, 2012 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, David McChesney and John Santos

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

Recorder: Vernon G. Porter

The following are meeting minutes, in brief:

### 1A ANNUAL AMERICORPS CAPE COD PRESENTATION

AmeriCorps Attendees: Provincetown Service Member Mark Pfeifer, ACC Wellfleet House Supervisors Alexandra Heyne and Amanda Howell.

Each attendee gave background and purpose of his/her responsibilities as AmeriCorps representatives here in Provincetown and throughout the Cape. Each year the AmeriCorps Cape Cod Program gives an update to the towns they serve. We are pleased to have Mark Pfeifer return this year as Provincetown Service Member who works with the Conservation Commission and the Health & Environmental Affairs Manager on issues pertaining to natural resources, the environment and emergency preparedness.

### 1B CONFLICT OF INTEREST LAW DETERMINATION

Zoning Board of Appeals (MGL C. 268A § 19)

Applicant: David M. Nicolau

This request must be decided by the Board of Selectmen at this meeting as this case has been continued four times since the original hearing scheduled for March 15, 2012 due to quorum issues

***MOTION: Move that the Board of Selectmen vote, pursuant to MGL C.268A,§ 19 and as appointing authority for the Zoning Board of Appeals to make the determination that the financial interest of appointee David M. Nicolau is not so substantial as to be deemed likely to affect the integrity of the services which the municipality may expect from the appointee.***

**Motion by: Austin Knight Seconded By: John Santos**

**Yea 4 Nay 0 Abstain 1 (David Bedard)**

*(David Bedard recused himself as he is a personal friend of the applicant.)*

## 2. PUBLIC STATEMENTS

Michael Rogovsky - Read statement into records regarding rudeness at public meetings and gave special thanks to Town Manager Sharon Lynn and town staff. (See attachment #1).

Clarence Walker - Agrees with the previous speaker to a certain degree, however, he feels that the town meeting really expressed that the town is engaged in the town meeting process, and does not think there was a level of incivility.

Rick Murray – Supports the applicant for agenda item 5A1. He has been working with the applicant for the past 5 or 6 months, and looks forward to them coming to town.

Tom Thompson - Can't get an answer from the Building Department as to why all applications must go before the Water Department. Why does the Water Department have to be involved?

### 3. **SELECTMEN STATEMENTS**

#### **David McChesney**

Expressed concerns at the last Board of Selectmen's meeting that the Beautification Committee will not be doing any work this spring or summer on the many areas they worked on last year. Surprised that we are hiring a landscape designer from out of town when we are trying to keep things within town.

#### **John Santos**

Anchor at Lopes Square – would like to have the anchor moved so it is not in the middle of the right-of-way and hampers the handicapped access.

Thanks to R. B. Our Co., DPW and all parties who worked on getting the work done on Commercial Street and Good Templar Place. I think we are heading in the right direction.

#### **Austin Knight**

Concerned about Mr. Thompson's public statements regarding additional requirement to have the Water Department review building permits. If there is no reason for the water to be turned on or off, and that is relatively clear, it seems like one unnecessary thing an applicant has to go through to get a permit. Sometimes I don't think it is necessary, and only presents one more challenge.

#### **David Bedard**

Would like to have a meeting with the FinCom and the Finance Director to discuss the Scanlon Report in the very near future.

Congratulations to Cheryl Napsha in being recognized by the Mass Historical Commission for the restoration and historical work that was done at the Library. Sharon - We will have representation there.

It appears that funding is in place for solar power at the landfill and the high school. Can we have an update on when this will happen? David Gardner – We will need to come before you for the agreement soon.

Congratulations to Provincetown on being the only town in the outer cape doing this and for leading the way on solar power.

**Elaine Anderson**

In response to Rick Murray's call of support of the Ragnar Relay – it is going to be good for business. As I understand that the town is booked.

Elections coming up on May 1, 2012, and we do have some very important overrides for your support. They were all supported at Town Meeting, and now we need your support at the ballot box.

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

Elaine Anderson - We have received additional applicants and would like to interview those that are here this evening, and then interview any other applicants at our meeting on Monday, May 14, 2012.

***MOTION: Move that be Board of Selectmen vote to repost for Building Committee applicants in the Provincetown Banner to be returned on May 10, 2012 for interviewing on May 14, 2012.***

**Motion by: Austin Knight      Seconded By: David Bedard  
Yea 4    Nay 1 (Elaine Anderson)**

The Board interviewed: Paul DeRuyter, Leif Hamnquist, Sheila McGuinness, Donald Murphy, Rick Murray, and Clarence Walker, Jr. for the Building Committee. Candace Nagle was not able to attend due to doctor's appointment.

**5A1 PARADE PERMIT REQUEST**

Ragnar Relay Race – Saturday, May 12, 2012

Attendees: Race Director Stephen Frazee and Roger Chauvette local contact.

***MOTION: Move that the Board of Selectmen vote to approve the Parade Permit application submitted by Steve Frazee on behalf of Ragnar Events / Relay Series for their Overnight Running Relay with Provincetown Finish, to be held on Saturday, May 12, 2012 from 11:00 AM to 7:00 PM. No rain date.***

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

**5A2 PARADE PERMIT REQUEST**

Portuguese Festival Parade – Saturday, June 23, 2011

Attendees: Donald Murphy.

Parade route commences at Harbor Hotel on Route 6A, heading West on Commercial Street to Franklin Street.

***MOTION: Move that the Board of Selectmen approve the Parade Permit application submitted by Susan Avellar on behalf of The Portuguese Festival Committee for the annual celebration of "The Portuguese Festival Parade", to be held on Saturday, June 23, 2012 from 3 p.m. to 5:30 p.m.***

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

**5A3 PARADE PERMIT REQUEST**

Blessing of the Fleet – Sunday, June 24, 2012

Attendees: Donald Murphy

Parade route to commence at St. Peter’s Church on Prince Street, East on Bradford – South on Gosnold Street – East on Commercial to Lopes Square, then South down MacMillan Pier to finish.

**MOTION:** *Move that the Board of Selectmen vote to approve the Parade Permit Application submitted by Susan Avellar on behalf of Blessing of the Fleet, Inc., for their annual celebration of “The Blessing of the Fleet” to be held on Sunday, June 24, 2012 from 11:30 am to 1:00 pm.*

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

**MOTION:** *Move that the Board of Selectmen vote to take Agenda Item 5B3 out of order.*

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

**5B3 TOWN HALL AUDITORIUM – REQUEST FOR BEER & WINE SERVICE**

Provincetown Portuguese Festival

Attendee: Donald Murphy

Portuguese Festival did serve beer and wine at last year’s event without incident. They are seeking the same approval this year. The Festival get’s its own special one-day license from the Licensing Board and does their own service.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to the Regulations for Public Use of Town Hall, to authorize the consumption or sale of beer and wine service in the Town Hall Auditorium for the event on Saturday, June 23, 2012 from 6:30 pm to 9:30 pm.*

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

**5B1 TOWN HALL AUDITORIUM – REQUEST FOR BEER & WINE SERVICE**

Rafanelli Events

Rafanelli Events Representatives: Senior Production Manager Marne Rubinstein and Senior Event Producer Julie Wolman Freed.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to the Regulations for Public Use of Town Hall, to authorize the consumption or sale of beer, wine or champagne service in the Town Hall Auditorium as requested by Bryan Rafanelli of Rafanelli Events, 867 Boylston Street 4<sup>th</sup> Floor, Boston, MA, for the Rafanelli event to be held on Saturday, July 21, 2012 (6:00 pm to midnight).*

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

**5B2 TOWN HALL AUDITORIUM – REQUEST FOR BEER & WINE SERVICE**

MassEquality Education Fund – Taste of Provincetown

MassEquality’s Taste of Provincetown did serve beer and wine at last year’s event held on August 27, 2011 without incident. They are seeking the same approval this year.

**MOTION:** *Move that the Board of Selectmen vote, pursuant to the Regulations for Public Use of Town Hall, to authorize the consumption or sale of beer and wine service in the Town Hall Auditorium for the event on Saturday, August 25, 2012 from 6 pm to 9 pm.*

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

**5C1**    **TREASURER'S TRANSFERS**

Library Trust Funds

**MOTION:** *Move that the Board of Selectmen vote, as Commissioners of the Library Trust Funds, pursuant to MGL C44 § 53A, to approve the use of \$1,253.18 from the Library Trust Funds to pay for the attached invoice(s).*

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

**5C2**    **TREASURER'S TRANSFERS**

John A. Henry Trust Fund

**MOTION:** *Move that the Board of Selectmen vote, as Commissioners of the Trust Funds, to approve the transfer of \$3,856.12 from the John A. Henry Trust Fund for the payment of the attached invoice(s).*

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

**5C3**    **TREASURER'S TRANSFERS**

Library Building Gift Fund – Landscaping

**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 \$100,324.00 plus any additional interest received from the Library Building Gift Fund - Landscaping to pay for the attached listing of invoice(s) paid out of the General Fund.*

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

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

Commercial Street Signage – Proposed Sign.

Welcome to Provincetown!  
Please pardon our appearance  
this season while we continue to  
upgrade our water systems,  
sidewalks and roads to serve  
you better in 2013.



Provincetown Visitor Services Board

Cost of four signs is being paid for by Visitor Services Board.

**MOTION:** *Move that the Board of Selectmen vote to support the Town Manager Sharon Lynn in placing the Commercial Street construction signs at strategic locations within Commercial Street.*

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

**6B OTHER**

Town Manager Sharon Lynn - Had a meeting today concerning the Elementary School – Mr. Mitchell (Rise Engineering and all other parties including Town Counsel were present.) The bid was improperly specked because of a 30% design build and what was required was a 100% design of the schematics. We will be continuing this process to find out some factual information, and hope to report back to you at our next meeting.

Austin Knight – Questions a couple of meetings ago as to whether the Recreation Department wants to keep programs at the Community Center for the summer. Sharon – The Recreation Director advised me that it was not his intent to move into the school and elected to keep most, if not all, programs at the Community Center for the summer.

John Santos – The central heating system that they are proposing might be the wrong approach for the whole building. We might be better off with smaller units for different areas – has that been looked at? Sharon – This engineering is for a hot water system, and not keeping the steam heating system. There are smaller energy efficient units that will be going into each of the offices. They are being designed to be efficient and to use the general guidance from Cape Light Compact for energy credits that the town will be receiving for going this way.

Treatment Plant – David Guertin and Brian Dudley attended the Cape Cod Commission meeting today and, with minor modifications, approved the plant expansion and it will proceed as planned.

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

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

*March 19, 2012 (Attend CCNS – Herring Cove Beach) as printed;*

*April 9, 2012 (Executive Session 5 PM) as printed;*

*April 9, 2012 (Regular Mtg. 6 PM) as printed;*

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

**8. CLOSING STATEMENTS**

**David McChesney – None                      John Santos – None**

**Austin Knight** – Update on the Cape Cod National Seashore bike trail on Route 6. They will receive funding in the fall.

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

Motion to adjourn by David Bedard at 8:21 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen  
April 26, 2012

Michael Rogovsky

BOS- 4-23-12 Public Statement  
Attachment # 1

Our town manager and the staff at town hall work so hard on so many projects that it is a real shame that people are so rude when they attend public hearings to hear the results of this work presented to them. We are a small town at the tip of the cape--not north and south Korea.

I don't want the rudeness that I have witnessed at the recent public hearing where the chair of the selectmen was yelled at by a finance committee member to become part and parcel of the running of our town government. Our board of selectmen and our town manager aren't two angry fishermen in an open dingy on a cold and stormy sea--and I don't want to see our town government become one.

I don't want Jerry Springer type antics in our town hall. You all have accomplished so much. There are so many projects in the pipe line. Years of work have gone into the building project for a new Police station and DPW building from selecting the architects from the final group of four to the site search where you ended up choosing the town owned DPW land on Race point Rd.

You have opened windows and let in the fresh air. We have an excellent credit rating now and we are in the good graces of the department of Revenue. You have shaken things up by consolidating the schools, by putting town buildings that have served their purpose up for sale, by engineering the water and sewer projects, stopping the leaking pipe problem, initiating the water filtration system in Truro, and you have brought millions of dollars into our town towards funding these projects and I feel that this is just the tip of the iceberg regarding the projects that are in store for the benefit of Provincetown.

After several years of due diligence, you are taking the necessary step of not just putting a band aid on a failed police station and inadequate DPW building but you are doing the right thing and proposing new buildings to replace these decades old dilapidated structures.

Congratulations to you for the fine work that you have been doing and I hope that this board remains as you are today and that you continue maintaining and improving our home that we call Provincetown.