

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING - MONDAY – SEPTEMBER 10, 2012 6 PM

TOWN HALL – JUDGE WELSH ROOM

Chairman Austin Knight convened the meeting at 6:02 PM noting the following:

Board of Selectmen attending: Austin Knight, Elaine Anderson, David McChesney, John Santos and Erik Yingling

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

Recorder: Vernon Porter

The following are meeting minutes, in brief:

1A PUBLIC HEARING – ECONOMIC DEVELOPMENT PERMIT

333R Commercial Street – Boatworks Building

Erik Yingling recused himself as he is an abutter to the applicant.

John Santos stated that Flyer’s Boat Yard has done business with the applicant; however, he feels that it will not cause a conflict of interest, and he did not recuse himself.

Elaine Anderson read the Public Hearing Notice into the record.

No written comments submitted to the Board’s Secretary.

Applicant: Attorney Lester J. Murphy on behalf of Boatworks Building, LLC, Principal William Bonn in attendance and both went over the criteria and purpose of the application and feel they have met all of the requirements in the Board of Selectmen’s Policy Statement on Economic Development Permit Criteria #2009-02-09.

This EDP request is to convert the existing empty retail space into a 44-seat lounge (20 gpd per seat) for a total increase of 784 gpd (880 gpd – 96 existing credit = 784 gpd). See attached “DRAFT” Economic Development Permit, along with supporting information including the EDP application and floor plan of the unit.

Public Comments

Erik Borg – Banner Reporter had several questions: 1) Does the condo docs say they can make the two bottom condo units into one? 2) Will you be charging for the storage of luggage?

Cheri Mittenthal – Have you considered closing at 10 PM instead of 12 PM?

Michel Rogovsky - Very much in favor of this project.

Board of Selectmen

Austin Knight – What determined your hours? Mr. Bonn - We discussed this at the ZBA and the consensus was that it would be a detriment to the business.

Elaine Anderson - Clarification on the cooking or microwaving of food. Mr. Bonn – I was thinking of the other occupants of the building when I made this decision not to have

cooking on the premises.

Elaine Anderson – What other types of business have you thought of for this site? Answer – We ran the gamut but one major problem is that the building does not have frontage on Commercial Street and would have a real hard time renting to retail spaces.

David McChesney - Where is the location for trash? Answer – We built an enclosure between building 1 and 2.

John Santos - Chapter 91 #4. I think the town should put this on hold and research other ways to utilize this property. Answer - We had extensive conversation with the Commonwealth of Massachusetts and the portion that the building is on does not require us to utilize Chapter 91. That section is on the beach side. However, this does not stop us from looking at other prospects in the future.

MOTION: *Move that be Board of Selectmen vote to approve Economic Development Permit 12-10 for 333R Commercial Street, Attorney J. Murphy on behalf of Boatworks Building LLC, owner, based on findings that the proposed use is consistent with the criteria set forth in Selectmen’s Policy 2009-02-09, specifically:*

- *Support year-round incomes, and*
- *Support an extended employment season, and*
- *Create or enhance employment opportunities, and*
- *Help to diversify Provincetown’s economic base, and*

subject to the attached permit with conditions as submitted.

Motion by: David McChesney **Seconded By:** Austin Knight
Yea 3 Nay 1 (John Santos)

1B JOINT MEETING – CULTURAL COUNCIL AND ART COMMISSION

Member of Cultural Council present: Tina Trudel – Chair, Cheri Mittenthal, Grace Ryder - O’Malley, Brian O’Malley, Francine D’Olimpio, Judy Cicero and Robert Speiser

Members of Art Commission present: Stephen Borkowski - Chair, John Dowd and Georgia Coxe

Both committees gave opening statements of cooperation with each other and want to move the Aids Memorial project forward.

Austin Knight – Town counsel says that the Board of Selectmen has the authority to establish a town location.

Elaine Anderson – Encouraged that the money has been identified.

Austin Knight – I am sure you all can work together and get the RFP organized within the next month. Suggested that both boards get together and go over what they have already done and come back to the Board of Selectmen with their recommendations for an RFP by the Board’s 2nd meeting in October.

Stephen Borkowski – The Art Commission does not approve the use of town hall property but does have six other locations to recommend and would like the Board of Selectmen to rescind their vote of using town hall for a location.

Tina Trudel - Would like the two committees to have joint meetings and an open dialogue and come up with an all inclusive RFP.

MOTION: *Move that the Board of Selectmen vote to rescind the previous Board of Selectmen's vote to locate the AIDS Memorial on Town Hall property.*

Motion by: Elaine Anderson **Seconded By:** John Santos
Yea 3 Nay 2 (Erik Yingling and Austin Knight)

MOTION: *Move to reconsider the site location and that both committees come back with a selection of a site at the Board of Selectmen's meeting on October 22, 2012, or the original location at Town Hall is reinstated.*

Motion by: Austin Knight **Seconded By:** Erik Yingling - **Motion withdrawn** -

Stephen Borkowski – **MOTION:** *Move to direct the Cultural Council to accept an alternate site. – Motion Withdrawn -*

Austin Knight - Come back at the Board of Selectmen's October 22nd meeting, after a public hearing, with recommendations for the Board of Selectmen.

2. **PUBLIC STATEMENTS**

Amy Germain – 1) Supports the use of Mobi-mats on Ryder Beaches. 2) The Historic District Commission does not support the use of solar panels within the Historic District even though Provincetown is a green community. Renewable Energy has been a Selectmen policy goal since 2008. Bylaws were recently amended to accommodate renewable facilities. Would like the Board of Selectmen to direct the Historic District Commission to develop guidelines on how to approve solar facilities.

Scott Caldwell – (Owner of Jonathan Williams Salon) – Asks to be notified in advance when DPW workmen are going to be working in front of his business. Letter or phone call would do.

3. **SELECTMEN STATEMENTS**

John Santos

Disagrees with the recent decisions of a Federal Judge allowing a transsexual inmate to have a sex change operation and would like the Board of Selectmen to send a letter to our representatives. No action taken

Elaine Anderson

Support some guidelines for alternative energy and we can work with the Historic District Commission to get some guidelines in place. Delighted to see the hedges being cut back in the East End. Progress being made.

David McChesney – I also support alternative energy in any form possible.

MOTION: *Move that the Board of Selectmen vote to proclaim Wednesday, October 24, 2012 as United Nations Day.*

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

We've been working with NSTAR to replace the double poles, and should be hearing from them soon.

Erik Yingling

Agree we are a green community, and we need to find a balance and work with the Historic District Commission. Suggest we meet with them in a future meeting.

Would like to discuss volunteer appreciation day at our next meeting.

Need to do a better job communicating with businesses regarding infrastructure projects.

Austin Knight

DPW tries to do their work with as little interruption as possible to everyone.

Will look into the comments by Selectman Santos concerning the Judge's decision. I do not support it at this time.

4A BOARD OF SELECTMEN APPOINTMENT

Provincetown Public Pier Corporation

Regina Binder has served on the PPPC since January 11, 2010 and is requesting reappointment at this time.

MOTION: *Move that the Board of Selectmen vote to reappoint Regina Binder to the Provincetown Public Pier Corporation Board of Directors with a term to expire on July 29, 2017.*

Motion by: John Santos Seconded By: Elaine Anderson Yea 5 Nay 0

4B TOWN MANAGER APPOINTMENT – Disability Commission

This appointment by the Town Manager requires approval of the Board of Selectmen, pursuant to MGL C.40, §8C, §8D and §8J and Charter §6-6-1 and §6-9-1.

MOTION: *Move that the Board of Selectmen vote to approve the Town Manager's appointment of Herbert Hintze to the Disability Commission, pursuant to MGL C.40, §8J, for a term to expire on December 31, 2014.*

Motion by: John Santos Seconded By: Elaine Anderson Yea 5 Nay 0

5A MCDBG PROGRAM INCOME – ADA Accessible PathMats

Plans of Town Beach near Lopes Square and Ryder Street Extension along with letter from Disability Commission and Harbormaster/MacMillan Pier Manager Rex McKinsey are attached to the agenda item. Grant Administrator Michelle Jarusiewicz has confirmed that funds are available for this project.

Barrier removal and the provision of assistance to low/moderate income population make these projects eligible for Mass. Community Development Block Grant program income funds. These funds can only be used for eligible MCDBG activities. Program income is derived from the repayment of old housing rehab loans as those properties are sold. The current balance is approximately \$16,633. Other past barrier removal projects funded through this account includes elevator repairs at the Housing Authority, a door at the old

Cape End Manor, and a ramp at the Library.

MOTION: *Move that the Board of Selectmen vote to approve financial assistance through the Massachusetts Community Development Block Grant Program Income funds in the amount of up to \$8,000 for the purchase of ADA Accessible PathMats to provide accessibility for everyone on town owned beaches.*

Motion by: John Santos **Seconded By:** Erik Yingling Yea 5 Nay 0

5B COMMERCIAL STREET RECONSTRUCTION PROJECT

Award and Executive Contract

MOTION: *Move that the Board of Selectmen vote to award and execute a contract to R.B. OUR, Inc., of Harwich, MA. in the amount of One Million Two Hundred Seventy Two Thousand Four Hundred Seventy Eight Dollars (\$1,272,478.00) for the Commercial Street Reconstruction Project – Phase 1 as the low bidder of record for bids received and opened publically on August 29, 2012.*

Motion by: John Santos **Seconded By:** Elaine Anderson Yea 5 Nay 0

5C AIRPORT COMMISSION – MassDot / Aeronautics Division

Grant for the Parallel Taxiway Partial Reconstruction

This project consists of the reconstruction of a portion of the parallel taxiway from the east taxiway connector to the mid-taxiway connector. The pavement being replaced is over fifty years old and exhibits several longitudinal and transverse, as well as many random pavement cracks. This section of taxiway is sixty feet wide and will be reduced down to forty feet wide under the current FAA requirements for taxiways. This will allow the Airport some environmental benefits in reducing pavement coverage and adding some grassland.

The funding breakdown is: FAA 90%, MassDOT 7.5%, and Provincetown 2.5%

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 \$56,625.00 from the MassDOT / Aeronautics Division for the Parallel Taxiway Partial Reconstruction at the Provincetown Municipal Airport.*

Motion by: Elaine Anderson **Seconded By:** Erik Yingling Yea 5 Nay 0

5D EMERGENCY MANAGEMENT GRANT

USDHS/FEMA/MEMA Emergency Management Performance Grant

The need for the radios was identified at a recent Local Emergency Planning Committee (LEPC) meeting during which it was determined that should cellular phone service be devastated, town departments critical to emergency preparedness and response lack access to one method of communication. The grant is a matching grant, and the match will be provided by staff hours by the Public Health and Safety Officer who works on emergency preparedness. The Health Department received a quote for two public safety bandwidth-capable radios at \$2830.52. If the grant were received, it would cover \$2500 of the cost. The remaining \$330.52 plus an additional \$100 for banding of the two radios by the County Sheriff's Department (\$430.52) will be covered by DPW funds.

MOTION: *Move that the Board of Selectmen vote to authorize the submission and ultimately execute a grant in the amount of \$2,500 from the USDHS/FEMA/EMMA Emergency Management Performance Grant FY2011 for the purchase of 2 public safety-banded radios.*

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 5 Nay 0

5E TREASURER'S TRANSFER – Beautification Committee Gift Fund

This request totals \$575.50. \$412.54 is to be paid from Waterfront Park Gift Fund leaving a balance of \$4.60.

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 \$412.54 from the Waterfront Park Gift Fund and the balance of \$162.96 from the VSB-Beautification budget to pay for the attached invoice(s).*

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

6A OCTOBER 29, 2012 SPECIAL TOWN MEETING

Set Dates for Opening and Closing of Warrant

Charter §2-1-7 provides that the warrant "shall be closed thirty days prior to the date of the town meeting." Articles may be submitted onto the warrants at the request of the town manager, selectmen, any town board, or 10 registered voters in the case of the annual [§2-1-3], or 100 registered voters in the case of the special [§2-1-4].

MOTION: *Move that the Board of Selectmen vote to open the Monday, October 29, 2012 Special Town Meeting warrant forthwith; and to close it on Friday, September 28, 2012 at 11:00 am, in accordance with Charter §2-1-7.*

Motion by: John Santos **Seconded By:** Elaine Anderson Yea 5 Nay 0

6B DISCUSS POSSIBLE TOWN MEETING WARRANT ARTICLES

October 29, 2012 Special Town Meeting

Charter §2-1-7 provides that the warrant "shall be closed thirty days prior to the date of the town meeting."

FY 2013 Budget Adjustments:

1. Adjustment to Town Manager budget for the TM Secretary position which was not funded in April 2012. 2) Addition of Bicycle Committee budget. 3) Adjustment to Enterprise Fund budgets; Prior Year Bills; Amend Funding Source for April 2012 Annual Town Meeting, Article 18. GIS Flyover; Rescind Unused Borrowing Authority; Cemetery Commission; two articles for Fire Department and repairs to High School.

MOTION: *Move that the Board of Selectmen vote to have a meeting to discuss Warrant Article on Monday, September 17, 2012 at 5 PM.*

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

6C TOWN MANAGER FOLLOW-UP

DPW is working on adding two additional parking spaces adjacent to the Harry Kemp

Way pay station.

6D **OTHER** - None

7. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

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

August 27, 2012 (Regular Mtg. 6 PM) as printed and August 31, 2012 (Special Mtg. 10 AM) as printed.

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 5 Nay 0

8. CLOSING STATEMENTS

John Santos – Schooner Regatta and Swim 4 Life went off very well this year.

Elaine Anderson – Same from me.

David McChesney – None

Erik Yingling - None

Austin Knight

MOTION: *Move that the Board of Selectmen proclaim Thursday, September 20, 2012 as Wounded Warriors day.*

Motion by: Austin Knight **Seconded By:** Elaine Anderson Yea 5 Nay 0

Motion to adjourn by John Santos at 9:15 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
September 18, 2012