

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN

REGULAR MEETING – TUESDAY – NOVEMBER 13, 2012 6 PM

TOWN HALL – JUDGE WELSH ROOM

Chairman Austin Knight convened the meeting at 6:00 PM noting the following:

Board of Selectmen attending: Austin Knight, Elaine Anderson, John Santo, David McChesney 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

Bradford Street Bike and Pedestrian Lane

Public Hearing Notice read into the record by Selectman Elaine Anderson.

Attendees: Candace Nagle, Michael Peregón, Bill Meadows, Roger Chauvette and Mary-Ann Powers. Other attendees: Transportation Engineer Dale Alexander (Cape Cod National Seashore) and Clay Schofield (Cape Cod Commission.)

This proposal seeks to reconfigure the center line on Bradford Street to allow for a 3 – 5 foot dedicated “share the road” path for bikes and pedestrians.

Chairman Candace Nagle read a report into the record. (See attachment #1)

Slide presentation of material in agenda packet presented by Dale Alexander.

Selectman Anderson – Read letters received today via email and mail from the following constituents:

Anna Sanders, 30 West Vine Street #A1 - Opposed

Ann Welles, 12 & 14 Bradford Street - Opposed

David Bedard, 127 Bradford Street Ext. – more thought needs to be given to plan

Terence Welch, 28 Bradford Street – Would like pedestrian walk only

Brian Cabral, 56 Bradford Street - Opposed

Sharon Bowes, 25 Pleasant Streets - Opposed

Reynaldo Torres & Joseph McRone, 29 Pilgrim Heights Road - Opposed

In favor – Health Department, Council on Aging, Animal Welfare, Abutters (18) in favor, Bicycle Committee, Lance Hatch, Ptown School Committee and K.A Cote,

Oppositions – Ann Wells, Evette Ramirez, Roberta Stone, Mark Buchholz, Peg Reynolds and Gail Behrik

Public Comments

David Martin – In favor.

Judy Ciccerò – Read plan very carefully. Plan needs more thought. Pedestrian and Bicycle

lanes are not a compatible mix.
Viola Briseno – Opposed
Mary-Jo Avellar - Opposed
Chris Pula – Opposed
Christine McCarthy – Opposed
Barbara Rushmore – Opposed
Tracy Primivera – Opposed
Tony Zampanella – In favor
Ann Wells – Opposed.
Rick Murray – Supports in theory.
Ronnie Morris (291 Commercial St.) – Opposed.

Selectmen Comments

David McChesney – In favor but hate to give up parking spaces. Town needs to look into town-wide parking master plan to deal with all parking issues. Nobody wants to give up parking willingly. Suggest this be brought before the Spring 2013 Traffic Hearing to review the entire parking issue.

Elaine Anderson – Selectman McChesney makes a valid remark. The quantity of bicycles is constantly increasing. However, people are not complying with rules of the road. I'm impressed with Bicycle Committee's work on this project and we need to be willing, as a community, to provide a safe environment.

Erik Yingling – The work that has been done by this committee is great. However, I can't get behind the loss of parking spaces and I would like to have this project reworked.

John Santos – There is no doubt that bicycle usage has increased tremendously. This project is a good idea but it has to be tweaked and brought back before the Spring 2013 Traffic Hearing to make a decision. We have to get behind the bike paths. We have to regulate cars coming into town. Maybe something on a seasonal effort on Bradford could be considered. Need to make better use of the railroad bed for a bike trail.

Austin Knight – My number one concern is public safety. We also need to know the unintended consequences. Bring back at the Spring Traffic Hearing with a clear parking plan for the town. Funding – who is going to pay for this? Answer: The DPW can do most of the work in-kind. Chapter 90 funds.

Elaine Anderson – Focus on parking resolution.

MOTION: *Move that be Board of Selectmen vote to bring this agenda item before the 2013 Annual Traffic Hearing.*

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

1B COMMERCIAL STREET UPDATE & CHANGE ORDER REQUEST

Attendees: Assistant DPW Director Richard Waldo

Richard Waldo went over the following request for change orders:

The Board of Selectmen awarded and executed a contract to Robert B. Our Inc., of Harwich on September 10, 2012 to complete the Commercial Street Reconstruction Project. The

reconstruction work began on October 15, 2012 and will continue until May 1, 2013. The first round of change orders is a reflection of the preparations made prior to the commencement of work. The change orders are as follows:

- 1.) Replace granite curb and concrete walkway on Ryder Street across from Town Hall. The concrete walkway shall be replaced with brick \$ 9,206.00
 - 2.) Replace existing trees in front of Town Hall and across from United States Post Office with American Elm Trees of similar sized trunk caliper\$13,929.00
 - 3.) Drainage Structure Upgrade.....\$ 2,400.00
 - 4.) Replace all Granite Curbing From Johnson Street to Winthrop Street..... \$63,930.35
- Total Change Order: \$ 89,465.35**

Note: ATM 2008 Article 6 will be used as an additional funding source as it pertains to Street & Sidewalk repairs. The article has an unexpended balance of \$50,000.

* \$197,000 Contingency had been included in our Estimated Cost of Construction

MOTION: *Move that be Board of Selectmen vote to approve the first round of change orders with contractor Robert B. Our, Inc., for the Commercial Street Reconstruction Project, in the amount of \$89,465.35; with and unexpended balance of \$50,000 be used from ATM 2008.*

Motion by: Elaine Anderson **Seconded By:** John Santos
Yea 4 Nay 1 (John Santos)

1C VISITOR SERVICES BOARD (VSB)

Proposed Five-year Financial Plan for Tourism Fund Expenditures

Attendees: VSB Director Tony Fuccillo, Mick Rudd, Rick Murray and Michael Peregon.

VSB does not have a quorum. Board of Selectmen suggested that this agenda item be reschedule to a future Board of Selectmen meeting. (November 26th if possible.)

2. PUBLIC STATEMENTS

Rick Murray - My concerns is bicycle safety. Supports removal of parking spaces and the installation of a bike lane on Commercial Street in the West End. VSB has reviewed the Beautification Committees request three different times and voted not to support an increase in funds.

Mick Rudd - The VSB requested a detailed budget from the Beautification Committee and did not get one. Maybe they can give us more information prior to the next meeting.

Barbara Rushmore - Urge VSB to give the Beautification more than \$5K.

Bill Docker – Member of Beautification Committee. When Barbara and I went before the VSB we did give them our budget.

Mary-Jo Avellar - Representative on the CCNS Advisory Commission. Herring Cove Beach. Nov 30th is time to response. Read letter into record. (See attachment #2)

3. **SELECTMEN STATEMENTS**

Elaine Anderson

Agree with Mary-Jo.

Thanks to everyone who participated in the Veterans Day services.

Thanks to Bicycle Committee for the work they are doing.

David McChesney

Very supportive of Bicycle Committee.

Thanks to town departments for their work during the recent two storms. Compliments to NSTAR. Provincetown is very vulnerable – especially the basement of Town Hall.

Code Red works very well, and I encourage everyone to sign up.

Erik Yingling

Complaints from several people concerning the comments by Town Manager Sharon Lynn and Chief of Police at the last Pier Corp meeting. (See attachment #3)

John Santos – Would like to have our next meeting on Tuesday, the 27th so I can attend Chamber

Austin Knight

Town Meeting went very well

Election also went very well and our town was number one.

MOTION: *Move that the Board of Selectmen vote to send a letter of congratulations to each of the elected officials (President, congressman) wishing them good luck in the future year.*

Motion by: Austin Knight **Seconded By:** Erik Yingling Yea 5 Nay 0

MOTION: *Move that the Board of Selectmen vote to send a letter of thanks to Jim Keefe and all involved in organizing and presenting the Veteran's Services Program.*

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

Schedule Seashore Advisory Representative Mary-Jo Avellar for our next meeting on Monday, November 26, 2012 regarding Herring Cove.

4. **BOARD OF SELECTMEN APPOINTMENT**

Beautification Committee

This position will be up for renewal on December 31, 2012. The Board of Selectmen has the option to change the renewal date to December 31, 2015.

MOTION: *Move that the Board of Selectmen vote to appoint Vincent Breglia as a Regular Member of the Beautification Committee with a term to expire on December 31, 2015.*

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

<u>BOND ANTICIPATION NOTE ~ BAN #1093</u>	<u>\$636,000.00</u>
From the October 24, 2011 Special Town Meeting	
Article #1 - Wastewater Optimization #3 More	
<u>TOTAL BAN #1094</u>	<u>\$6,244,647.62</u>

Interest Rate = \$6,244,647.62 x 0.45%/365*46 days = \$3,541.48

MOTION: Move that the Board of Selectmen vote to issue Bond Anticipation Note #1094 in the amount of \$6,244,647.62 dated November 15, 2012 at 0.45% (\$3,541.48) interest payable at maturity to Cape Cod Five Cents Savings Bank due December 31, 2012. Renewal of BAN's until G O. Bond FY13 is sold before December 31, 2012.

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

5D2 TREASURER: BOND ANTICIPATION NOTE #1095

RENEWAL OF OUTSTANDING BANS FROM #1086 TO #1093 TO BE USED FOR USDA WATER BOND AND FY13 AND/OR FY14 G. O. BOND(S).

<u>Bond Anticipation Note ~ #1086</u>	<u>\$143,200.00</u>
From the April 5, 2010 Annual Town Meeting:	
Article #16 - Library Renovations	

<u>BOND ANTICIPATION NOTE ~ BAN #1087</u>	<u>\$359,320.00</u>
From the April 5, 2010 Special Town Meeting:	
Article #5 - North Union Field Land Acquisition	

<u>BOND ANTICIPATION NOTE ~ BAN #1088</u>	<u>\$ 59,000.00</u>
From the September 14, 2009 Special Town Meeting:	
Article #1 - Water System Capital Improvements	

<u>BOND ANTICIPATION NOTE ~ BAN #1089</u>	<u>\$900,000.00</u>
From the September 14, 2009 Special Town Meeting:	
Article #1 - Water System Capital Improvements	

<u>BOND ANTICIPATION NOTE ~ BAN #1090</u>	<u>\$157,833.00</u>
From the April 1, 2002 Annual Town Meeting:	
Article #4-13 - Water Leak Detection	15,000.00
From the April 4, 2011 Annual Town Meeting:	
Article #5-5 - Trash Remover Trailer/Truck	98,833.00
From the April 4, 2011 Special Town Meeting:	
Article #8 - Library Renovations	44,000.00

<u>BOND ANTICIPATION NOTE ~ BAN #1092</u>	<u>\$313,000.00</u>
From the September 14, 2009 Special Town Meeting:	
Article #1 - Water System Capital Improvements	241,000.00
From the April 4, 2011 Annual Town Meeting:	
Article #17 - Water Main Replacement	72,000.00.

<u>BOND ANTICIPATION NOTE ~ BAN #1093</u>	<u>\$864,000.00</u>
From the October 24, 2011 Special Town Meeting	

Article #1 - Wastewater Optimization #3 More

TOTAL BAN #1095

\$2,796,353.00

Interest Rate = \$2,796,353.00 x 0.45%/365*137 days = \$4,723.16

MOTION: *Move that the Board of Selectmen vote to issue Bond Anticipation Note #1095 in the amount of \$2,796,353.00 dated November 15, 2012 at .45% (\$4,723.16) interest payable at maturity to Cape Cod Five Cents Savings Bank due April 1, 2012. Renewal of BAN's until USDA Bond is issued for \$1,200,000 and another G. O. Bond is sold in FY14 and/or FY15.*

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

5A WATER AND WASTEWATER PROJECT UPDATE

DPW Director David Guertin

The report attached to the agenda item summarizes the following Wastewater and Water project updates for the Board:

WATER PROJECTS

North Union Field
Knowles Crossing
Pumpage and Fall Billing

WASTEWATER PROJECT

Wastewater Treatment Plant Equalization Tank
Downtown Sewer System – Fall hook-ups and coordination with Commercial Street drainage project.
USDA Grant/Loan
Interest to be served – additional interest
Permitting Status

WATER

MOTION: *Move that the Board of Selectmen vote to approve an amendment to Environmental Partners Group, engineers of record for North Union Field, in the amount of \$20,947 for environmental monitoring as required by the terms of the DEP Withdrawal Permit for this well source.*

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

WASTEWATER

(A) **MOTION:** *Move that the Board of Selectmen vote to approve Contract Change 10-1 Purchase of Equipment associated with the ongoing construction of the influent flow equalization tank to AECOM in the amount of \$196,135.00 for the scope of work as described under Change 10-1 dated November 6, 2012.*

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

(B) **MOTION:** *Move that the Board of Selectmen vote to approve Contract Change 10-2 Additional Vacuum Connections and Upgrades to the Vacuum Pump Station to AECOM in the amount of \$203,250.00 for the scope of work as described under Change 10-2 dated November 6,*

2012.

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

5B DPW – DECLARE SURPLUS

DPW Director David Guertin:

Vehicles - Please note that these vehicles may be used for fire department training as requested by the Board of Fire Engineer.

Tables - We have a request from the West End Racing Club, a 501C3 organization that they are allowed to purchase them. I suggest a cost of \$1.00.

Scrap Metal - The Water Department will seek bids based on the spot market and disposal of scrap metal. Selected scrap vendor pays by check based on weight and issues check to be deposited into this enterprise fund.

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

VEHICLES

2004 Ford Taurus, VIN 1FAHP53U5A114709

2003 Ford Crown Victoria, VIN 2FAHP71W43X213751

2000 Ford Crown Victoria, VIN 2FAFP71W1YX126842

MATERIAL/EQUIPMENT

TABLES - *12 tables w/ built in seating presently stored VMCC noting that the CAO has opted to retain 12 others, and school department has requested we remove and dispose of balance.*

SCRAP METAL - *Copper pipe remnants and bronze water meter bodies currently in secure storage at Knowles Crossing.*

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

5C CONSERVATION RESTRICTION

67 Harry Kemp Way, Provincetown

Health & Environmental Affairs Manager Brian Carlson - The Conservation Commission approved this Conservation Restriction at their meeting on October 2, 2012.

MOTION: *Move that the Board of Selectmen vote to approve the Conservation Commission's acceptance of the Conservation Restriction from Demetrios Daphnis for the property located at 67 Harry Kemp Way as approved as to form by Town Counsel.*

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

5E1 PARADE PERMIT REQUEST

Carrie A. Seaman Animal Shelter (CASAS)

Parade route to commence at the Provincetown Library and march West on Commercial Street to the UU Church, 236 Commercial Street.

MOTION: *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Anita Butler on behalf of CASAS to hold a pet pledge walk fundraiser to be held on Saturday – December 1, 2012, from 11:30 AM to 12 Noon.*

Motion by: David McChesney Seconded By: Erik Yingling Yea 5 Nay 0

5E2 PARADE PERMIT REQUEST

Provincetown Business Guild – Annual Carnival Parade

Parade will commence at the Harbor Hotel proceed down Commercial St. and end at the Coast Guard Station and Franklin Street.

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 22, 2013 from 3:00 pm to 5:00 pm. No rain date.*

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

5F PROCLAMATION: SENIOR CITIZENS DAY

Sunday, December 9, 2012

This is an annual proclamation to be read at the David Asher Senior Citizen Dinner organized by Robin Reed and her committee

MOTION: *Move that the Board of Selectmen vote to approve the application submitted by Robin Reid of Provincetown, MA to proclaim Sunday, December 9, 2012, as Senior Citizen Day in the Town of Provincetown.*

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

5G OTHER POST EMPLOYEE BENEFITS

Unfunded liability: Request for County Report and Updated Study

Every two years Barnstable County contracts to have a valuation of the post-employment benefits liability (OPEB) for the county and participating towns within the county. The Town of Provincetown participated in the last study at a cost of \$2,000. By participating in the county study the Town of Provincetown is able to receive an actuarial valuation and review of other post-employment benefits at a fraction of the costs. If the Town hired the same company to prepare the study solely for Provincetown the cost would be approximately \$10,000 or five times greater.

The Town is waiting for the Massachusetts Retiree Health Care Commission report due November 30th. After the Town has reviewed the Commission report and has the completed actuarial valuation it can begin to study the financial impact and possible solutions.

MOTION: *Move that the Board of Selectmen vote to authorize participation in the Barnstable County Actuarial Valuation and Review of Other Post-Employment Benefits.*

Motion by: Erik Yingling Seconded By: David McChesney Yea 5 Nay 0

6A TOWN MANAGER SHARON LYNN FOLLOW-UP

The purpose of this agenda item is to allow the Town Manager and/or Assistant Town Manager to report to the Board anything that she/he learns of after the meeting notice has been posted, which the Chair could not have reasonably anticipated at the time the meeting notice was posted, and which cannot reasonably be included in an “updated” posting.

DPW Asst. Director Richard Waldo - Overseeing Heating System project at VMCC and feels the contractors are doing an excellent job. Town Manager Sharon Lynn – recent storms did

cause some rain damage. Met with Mr. Scarlata and gave him an ultimatum and will be following up on this.

Update at next meeting.

Town properties to be declared surplus. We're ready but not moved out yet. As soon as we can make moves from the Recreation Department and Grace Gouveia buildings, we will surplus those buildings.

Have an agenda item for next Board of Selectmen meeting on surplus buildings.

MOTION: *Move that staff advertise the sale of the Community Center and the Grace Gouveia buildings advertise for sale no later than January 1, 2013 to the highest bidder.*

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

6B OTHER

The purpose of this agenda item is so that the Board of Selectmen may discuss other matters that may legally come before the board not known at the time of posting. Motions may be made. Votes may be taken.

7. MINUTES OF BOARD OF SELECTMEN'S MEETINGS

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

October 18, 2012 (Joint Mtg. w/FinCom) as printed; October 22, 2012 (Regular Mtg.) as printed and November 1, 2012 (Town Meeting) as printed.

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

8. CLOSING STATEMENTS

Elaine Anderson – Thanks for everyone doing homework before town meeting.

David McChesney - None **John Santos** – None **Austin Knight** - None

Erik Yingling – Enjoyed the Veterans Services on Monday.

Motion to adjourn by John Santos at 9:23 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
December 3, 2012