

TOWN OF PROVINCETOWN - BOARD OF SELECTMEN
REGULAR MEETING – MONDAY– MARCH 11, 2013 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 Santos, David McChesney

Excused Absence: Erik Yingling

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

Recorder: Vernon Porter

The following are meeting minutes, in brief:

1A PUBLIC HEARING: JOINT MEETING WITH FINANCE COMMITTEE

Proposed FY 2014 Operating Budget

Finance Board Attendees: Tom Donegan Chairman, Tim Grobleski, Douglas Cliggott, Duane Steele, Clarence Walker and Gordon Siegel.

Public Hearing Notice read into the record by Selectman David McChesney.

This meeting is in accordance with §9-1-6 of the Provincetown Charter in that the Board of Selectmen and the Finance Committee conduct a joint Public Hearing on FY 2014 Operating Budget. Copy of the budget is attached to the agenda item.

Public comments by Candace Nagle, received via email, read into the record by Selectman Elaine Anderson. (See attachment #1).

Public Comments

Mary-Jo Avellar - The letter that was just read from Ms. Nagle is insulting and very disrespectful to Dotty to make such comments. Spoke with Mr. Canizales this weekend and he has spoken with the lawyer of-the-day at the Ethics Commission and at this point has done nothing illegal or unethical.

Scott Caldwell – Concerned over the amount of money in the budget for the School and Police Departments. He does not want to see any over-rides in the future. Concerned about the amount of administration dollars in the budget. Do we need full-time police officers in the summer? Reduce benefits by 5% on health insurance. I pay enough taxes and don't want any more. Also, concerned about health insurance benefits paid to town employees.

Open discussion on FinCom's remaining budget issues

Tom Donegan – Budget is not sustainable. Cost increase is faster than revenue. Most of the costs come from personnel.

Duane Steele – Staff has to work harder in negotiating union contracts to bring cost down.

Clarence Walker - Key issue is shuffling of monies out of operating budget into Capital Improvements. Legal obligations on Route 6 – get clarification from the state on just what

our obligations are.

Tom Donegan - DPW is reducing their overtime budget by \$6K in order to add a full time person at MPL Comfort Station.

We are requesting a reduction in legal budget by \$20K

Police Station – What is the liability? What we can do in the short term?

Austin Knight - I'm optimistic that we will sell the two town owned buildings. (Grace Gouveia and Community Center)

Dan Hoort – \$48K was transferred to the Police Station for Building maintenance and improvements. Approximately \$18K has already been spent.

Regarding building maintenance plan for all buildings, the Charter is vague in what constitutes a capital improvement or budgeted maintenance cost.

Emergency generator article – set up a reserve fund for this purpose only.

David Guertin – We will have a second generator available very soon from Knowles Crossing.

1B JOINT MEETING WITH RECYCLING & RNEWABLE ENERGY COMMITTEE

Attendees: Lydia Hamnquist Chairman, Carla Anderson, Kaolin Davis, Elsie Cozzi and Laura Ludwig. Also in attendance: Mr. David Quinn, Regional Waste Reduction Coordinator for Barnstable County.

Carla Anderson reviewed her letter to the Board of Selectmen dated February 13, 2013 (attached to agenda item). They will work on securing information and come back to the Board of Selectmen sometime in May.

Mr. Quinn went over the material attached to agenda item on Pay-As-You-Throw (PAYT) highlighting:

- Overview of PAYT and its various program structures
- Benefits: What does the data tell us?
- Predicting the financial impact on our towns.
- Common concerns and criticisms

Question and answers followed. No motions made.

1C1 COMMERCIAL STREET ROAD RECONSTRUCTION

Phase II Engineering Contract

Assistant DPW Director Richard Waldo - This service agreement would include a final design, bidding and construction phase services. GHD, Inc. will also provide 319 Grant reporting and deliverables.

MOTION: *Move that the Board of Selectmen vote to approve a contract agreement in the amount of \$210,000.00 between the Town of Provincetown and GHD Inc., 1545 Iyannough Road, Hyannis, MA 02601 for engineering services associated with Phase II reconstruction of Commercial Street.*

Motion by: David McChesney **Seconded By:** Elaine Anderson **Yea 4 Nay 0**

1C2 RECONSTRUCTION OF COMMERCIAL STREET – PHASE 3

Grant Submission 604(b) Program and Supporting Engineering Contract

- 1) **MOTION:** *Move that the Board of Selectmen vote to authorize the submission of a Water Quality Grant to the 604(b) program in an amount to be determined for preliminary design for the reconstruction of Commercial Street – Phase 3, East End.*

Motion by: John Santos **Seconded By:** Elaine Anderson Yea 4 Nay 0

- 2) **MOTION:** *Move that the Board of Selectmen vote to approve a contract amendment in the amount of Four Thousand Five Hundred Dollars (\$4,500.00) to GHD Inc., Hyannis, MA for the preliminary design and electronic submission of a 604(b) grant due March 22, 2013 for Commercial Street, East End.*

Motion by: John Santos **Seconded By:** David McChesney Yea 4 Nay 0

1D1 WATER DEPARTMENT – SOUTH HOLLOW’S WELL #6

DPW Director David Guertin gave an explanation as to the defects for each wellfield.

MOTION: *Move that the Board of Selectmen vote to approve a contract amendment to Environmental Partners Group, engineers of record, in the amount of Eight Thousand Nine Hundred Fifty Dollars (\$8,950.00) as per the scope of work dated February 19, 2013 for the evaluation of next steps for Well #6 as well as specific capacity testing of Wells #5 thru #10.*

Motion by: Elaine Anderson **Seconded By:** John Santos Yea 4 Nay 0

1D2 WATER DEPARTMENT – PROJECTS UPDATE

DPW Director David Guertin went over his letter to Town Manager Sharon Lynn dated March 4, 2013 regarding update and overview of Knowles Crossing Filter Building and North Union Field Project Status. (Letter attached to agenda item.) NSTAR is on site and progressing very well.

2. PUBLIC STATEMENTS

Jonathan Sinaiko – Opposed to a neighbor building an out of scale building next to him and he feels it is not fair to allow this building to go through a loophole. Checked with Community Development Department and there are no other developments that are affected. This is an issue that will be discussed at Town Meeting.

Tony Brackett - Regarding Town Meeting Article 30, I am concerned about transparency. Request Board of Selectmen to follow up on what transpired to have Article 30 placed on the Warrant. Hopes Town Moderator will use clear judgment in dealing with this matter.

Mary-Jo Avellar - Support St. Mary’s of the Harbor sign located on Route 6. I appoint the Finance Committee and will take action as I deems appropriate.

3. SELECTMEN STATEMENTS

John Santos – Notice on TV and in the newspapers that a lot of people are dealing with storm damage. We have a lot of erosion issues here in Provincetown and we should have this brought to the forefront.

Concerned that the Conservation Commission has considered allowing a fence on Winston Avenue and the need for access to the beach. Would doubt that it is even on the tax rolls.

This should be reviewed. Austin Knight – Schedule a joint meeting with ConCom for next Tuesday, March 19, 2013.

Glad to hear that NSTAR is helping our Water Department out. They still have not finished cleaning up pilings and poles. 90 Shank Painter Road – NSTAR said they would clean up the power station.

Elaine Anderson – None David McChesney – None

Austin Knight – Next Monday, March 18, 2013 there will be a revenue hearing on at the State House regarding condo tax loopholes and the Real Estate Transfer Tax. At this time Town Manager Sharon Lynn, myself, and Elaine Anderson will be attending.

Regarding the issue of Article 30 – I am concerned about how this came about, and the fact that FinCom Vice-Chair gave a power point presentation to FinCom without the benefit of the Building Committee’s ability to weigh in.

4. **BOARD OF SELECTMEN APPOINTMENTS** – None

5A **CONFLICT OF INTEREST LAW DETERMINATION**

Planning Board [MGL c. 268A. § 19] – Dorothy Palanza

Planning Board Member Dorothy Palanza gave background for her disclosure, and the process by which she deems it necessary for her to be able to participate on this particular case.

MOTION: *Move that the Board of Selectmen vote, pursuant to MGL c. 268A, § 19 and as appointing authority for the Provincetown Planning Board to make the determination that the financial interest of appointee Dorothy Palanza 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: David McChesney **Seconded By:** John Santos Yea 4 Nay 0

5B **PEDESTRIAN & BICYCLE SAFETY GRANT**

Police Chief Jeff Jaran noted that an in kind amount is \$1,875.00 with a total grant request for \$3K.

MOTION: *Move that the Board of Selectmen vote to authorize the Provincetown Police Department to submit to the Executive Office of Public Safety and Security, Office of Grants and Research, Highway Safety Division, 10 Park Plaza, Suite 3720, Boston, MA 02166, a grant application for 2013 Pedestrian, Bicycle and/or Moped-Type Traffic Safety Grant.*

Motion by: John Santos **Seconded By:** Elaine Anderson Yea 4 Nay 0

5C **OFF-SITE CULTURAL SIGNAGE**

At the February 25, 2013 Selectmen’s meeting, Selectmen Anderson requested staff look into the issue of how signs for cultural and religious institutions were placed on Route 6 and what process was in place for such approvals. According to Building Commissioner Russ Braun, the Zoning Bylaw does not apply to signs within the public way. It appears that discretion rests with the Board of Selectmen. Related information attached to agenda item.

Open discussion ensued with the Board of Selectmen. Board asked Assistant Town Manager David Gardner to look into what the state regulations are for signs and to draft a policy statement for the Town to approve.

5D1 PARADE PERMIT- HELPING OUR WOMEN

13TH Annual By the Sea Bike Trek

Route starts at the Bas Relief and ends at the Surfside Inn.

MOTION: *Move that the Board of Selectmen vote to approve the Parade Application Permit submitted by Donna Szeker, Helping Our Women, 34 Conwell Street, Provincetown, MA 02657 to hold their "13th Annual By The Sea Bike Trek", to be held on Saturday, June 8, 2013 starting at 7:00 AM. to 3:00 PM.*

Motion by: David McChesney **Seconded By:** John Santos Yea 4 Nay 0

5D2 PARADE PERMIT- PORTUGUESE FESTIVAL PARADE

Saturday, June 29, 2013

This year the festival organizers are request that parking be restricted along Commercial Street from 12 Noon to 6:00 PM, in order that floats can pass easily.

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

MOTION: *Move that the Board of Selectmen vote to approve the Parade Permit application submitted by Susan Avellar on behalf of The Portuguese Festival Committee for the annual celebration of the "Annual Portuguese Sharing Heritage & Portuguese Culture Parade", to be held on Saturday, June 29, 2013 from 3 p.m. to 5:00 p.m.*

Motion by: David McChesney **Seconded By:** Elaine Anderson Yea 4 Nay 0

5D3 PARADE PERMIT- BLESSING OF THE FLEET

Sunday, June 30, 2013

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. The Provincetown Trolley will join the procession on the corner of Ryder and Commercial Street, and will bring the Bishop down MacMillan Pier to bless the fleet.

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 30, 2012 from 11:45 am to 1:00 pm.*

Motion by: David McChesney **Seconded By:** John Santos Yea 4 Nay 0

6A TOWN MANAGER FOLLOW-UP

Asked Harbormaster Rex McKinsey to attend tonight's meeting to give an update. \$1.6M Emergency waiver of bidding requirements.

Lee Ash, Chairman of the Provincetown Public Pier Corporation asked Rex McKinsey, Harbormaster, to read the following statement into the record.

On behalf of the Provincetown Public Pier Corporation, here is an update for the public, the Selectmen and town administrators in the form of a short public statement:

We expect to be on the next selectmen's meeting agenda, but thought it prudent to give an update in the meanwhile to assure everyone that all the wheels are in motion to address the damage to the floating docks and pilings at MacMillan Wharf. We also have scheduled our regular meetings at an earlier time of day in order to access PTV for any citizens wishing to follow our process more closely.

Here are the main points and actions to date:

1. The engineers have agreed in writing with our temporary plan to secure, shore, and brace any and all existing main float structures that can be utilized for this season, allowing as many of the 40 fishers, as possible, to return to the docks securely for this 2013 season and to continue our rental income as well.
2. The PPPC has pulled together a working group to address the more permanent long term solution for the replacement of the docks and the required attenuation. This group is chaired by the PPPC and includes the town manager, the DPW, the finance committee, the harbor committee, and users.
3. The necessary assessments have been made and submitted to the town and MEMA for funds to address the damage. MEMA has now reached the required state thresholds for statewide damage required to then turn to FEMA.
4. The PPPC is working with the town to submit an article for the special town meeting. This article is in the draft stages at this point.
5. The capital reserve funds at the pier are available for the immediate repairs for this season. The PPPC will seek the required approval from the selectmen for amounts in excess of \$50,000 to be spent on the repairs at your next meeting on the 25th.
6. Town counsel has been consulted as to emergency measures available for the procurement process. We are pursuing that process to speed the repairs in advance of the season.
7. The PPPC has heard positive messages of support from our state and federal elected officials, and would encourage the town officials to bring them to the pier and the harbor to keep the urgency and destruction from all the recent storms in the limelight.
8. An additional survey of the pilings scheduled for replacement this coming budget year shows that they have been further compromised from all the storms to the point of requiring more immediate replacement as well. Replacement of these pilings will be included in the emergency repairs.

6B OTHER – None

7. MINUTES OF MEETINGS

*Move that the Board of Selectmen approve the minutes of:
February 25, 2013 (Regular Mtg.) as printed.
February 28, 2013 (Insert Warrant Articles) as printed and
March 1, 2013 (Approve Articles for Publication) as printed.*

Motion by: John Santos Seconded By: David McChesney Yea 4 Nay 0

8. CLOSING STATEMENTS - None

Motion to adjourn by Elaine Anderson at 8:56 PM.

Minutes transcribed by: Vernon Porter, Secretary to Board of Selectmen
March 13, 2013

Vernon Porter

Bos Mtg 3/11/13 Attach #1

From: Candace Nagle <pilgrim1620@comcast.net>
Sent: Monday, March 11, 2013 3:58 PM
To: Vernon Porter
Cc: Sharon Lynn
Subject: public statement for public hearing March 11 2013

RECEIVED
BOS - Vernon

MAR 11 2013

CC: BOS/TM/ATM

To the Board of Selectmen:

I am requesting my following public statement be read aloud at the Finance Committee & Board of Selectmen public hearing on March 11 2013 since I am unable to attend.

There is widespread community concern that someone who has never been to a Building Committee and Finance Committee meeting nor has any municipal finance background could craft such a perfectly worded article, Article 30, on a complex issue that has been unequivocally supported not only by an elected official and Vice-Chair of the Finance Committee but who are both aggressively advocating for it. There is also widespread concern in our community that the Finance Committee Vice-Chair, Michael Canizales submitted in person the Citizen's petition for Article 30 to the Town Clerk's office. In addition, the Town Clerk has gone on record, that Mr. Canizales said to him, quote: don't tell anyone it was me' end quote.

Our former Town Moderator, Irene Rabinowitz, recently posted on the Face Book page, Ptown Community & Politics. She said quote, 'If I was the Moderator, there would be some wood shed visiting, but I'm not and it's Mary-Jo Avellar's problem now! End quote. That is the big question? What is our current Town Moderator, Mary Jo Avellar, going to do about this? It is her duty as Town Moderator to properly oversee the Finance Committee. It is dishonest, underhanded and highly unethical for a Finance Committee member to secretly pen an article for the Town warrant, then deliberate and vote on it. Is she going to take the appropriate actions steps by dismissing Mr. Canizales from the Finance Committee because she believes in transparent and honest government which will then help restore the integrity of the Finance Committee that has been severely damaged? Or are her alliances with board members on the Finance Committee going to trump doing the right thing? It is my hope she will put the Town first. Tonight, is Ms. Avellar's opportunity to show leadership and restore our trust.

Lastly, a transparent poll is currently being conducted on the aforementioned Face Book page which has over 400 members. The poll question is: Do you think Dottie Feld wrote Article 30? To date: 11% voted YES and 87% voted NO

Yours in Good Government,

Candace Nagle
10 Commercial St.